The

# Journal of the Assembly

OF THE

SIXTY-SIXTH SESSION

OF THE

## LEGISLATURE OF THE STATE OF NEVADA

## 1991

BEGUN ON MONDAY, THE TWENTY-FIRST DAY OF JANUARY, AND ENDED ON SUNDAY, THE THIRTIETH DAY OF JUNE

**VOLUME 1**

**THE FIRST DAY—THE ONE HUNDRED AND TWENTY-FIFTH DAY**

**SEE VOLUME 2 FOR INDEX**

SPO, Carson City, Nevada, 1992

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## ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 115 days, though the session lasted through 161 calendar days; the table below is numbered by calendar days.)


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|---|---|---|
| 1 | January 21, 1991 | 1 |
| 2 | January 22, 1991 | 26 |
| 3 | January 23, 1991 | 48 |
| 4 | January 24, 1991 | 80 |
| 5 | January 25, 1991 | 87 |
| 8 | January 28, 1991 | 93 |
| 9 | January 29, 1991 | 96 |
| 10 | January 30, 1991 | 104 |
| 11 | January 31, 1991 | 109 |
| 12 | February 1, 1991 | 114 |
| 15 | February 4, 1991 | 118 |
| 16 | February 5, 1991 | 127 |
| 17 | February 6, 1991 | 137 |
| 18 | February 7, 1991 | 142 |
| 19 | February 8, 1991 | 150 |
| | (Two-Week Adjournment) | |
| 36 | February 25, 1991 | 159 |
| 37 | February 26, 1991 | 167 |
| 38 | February 27, 1991 | 176 |
| 39 | February 28, 1991 | 189 |
| 40 | March 1, 1991 | 198 |
| 43 | March 4, 1991 | 204 |
| 44 | March 5, 1991 | 213 |
| 45 | March 6, 1991 | 219 |
| 46 | March 7, 1991 | 230 |
| 47 | March 8, 1991 | 245 |
| 50 | March 11, 1991 | 253 |
| 51 | March 12, 1991 | 263 |
| 52 | March 13, 1991 | 271 |
| 53 | March 14, 1991 | 289 |
| 54 | March 15, 1991 | 308 |
| 57 | March 18, 1991 | 315 |
| 58 | March 19, 1991 | 326 |
| 59 | March 20, 1991 | 337 |
| 60 | March 21, 1991 | 350 |
| 61 | March 22, 1991 | 356 |
| 64 | March 25, 1991 | 367 |
| 65 | March 26, 1991 | 383 |
| 66 | March 27, 1991 | 397 |
| 67 | March 28, 1991 | 416 |
| 71 | April 1, 1991 | 430 |
| 72 | April 2, 1991 | 437 |
| 73 | April 3, 1991 | 449 |
| 74 | April 4, 1991 | 475 |
| 75 | April 5, 1991 | 490 |
| 78 | April 8, 1991 | 499 |
| 79 | April 9, 1991 | 512 |
| 80 | April 10, 1991 | 524 |
| 81 | April 11, 1991 | 531 |

| *Calendar Day* | *Date* | *Page Number* |
|---|---|---|
| 82 | April 12, 1991 | 546 |
| 85 | April 15, 1991 | 555 |
| 86 | April 16, 1991 | 562 |
| 87 | April 17, 1991 | 579 |
| 88 | April 18, 1991 | 587 |
| 89 | April 19, 1991 | 595 |
| 92 | April 22, 1991 | 604 |
| 93 | April 23, 1991 | 615 |
| 94 | April 24, 1991 | 635 |
| 95 | April 25, 1991 | 645 |
| 96 | April 26, 1991 | 672 |
| 99 | April 29, 1991 | 683 |
| 100 | April 30, 1991 | 696 |
| 101 | May 1, 1991 | 713 |
| 102 | May 2, 1991 | 735 |
| 103 | May 3, 1991 | 765 |
| 106 | May 6, 1991 | 801 |
| 107 | May 7, 1991 | 841 |
| 108 | May 8, 1991 | 856 |
| 109 | May 9, 1991 | 875 |
| 110 | May 10, 1991 | 894 |
| 111 | May 11, 1991 | 913 |
| 113 | May 13, 1991 | 920 |
| 114 | May 14, 1991 | 939 |
| 115 | May 15, 1991 | 954 |
| 116 | May 16, 1991 | 981 |
| 117 | May 17, 1991 | 1015 |
| 118 | May 18, 1991 | 1038 |
| 120 | May 20, 1991 | 1048 |
| 121 | May 21, 1991 | 1069 |
| 122 | May 22, 1991 | 1087 |
| 123 | May 23, 1991 | 1121 |
| 124 | May 24, 1991 | 1148 |
| 125 | May 25, 1991 | 1160 |
| 127 | May 27, 1991 | 1187 |
| 128 | May 28, 1991 | 1221 |
| 129 | May 29, 1991 | 1242 |
| 130 | May 30, 1991 | 1264 |
| 131 | May 31, 1991 | 1289 |
| 132 | June 1, 1991 | 1303 |
| 134 | June 3, 1991 | 1308 |
| 135 | June 4, 1991 | 1335 |
| 136 | June 5, 1991 | 1405 |
| 137 | June 6, 1991 | 1417 |
| 138 | June 7, 1991 | 1437 |
| 139 | June 8, 1991 | 1453 |
| 140 | June 9, 1991 | 1488 |
| 141 | June 10, 1991 | 1499 |
| 142 | June 11, 1991 | 1526 |
| 143 | June 12, 1991 | 1550 |
| 144 | June 13, 1991 | 1571 |
| 145 | June 14, 1991 | 1588 |
| 146 | June 15, 1991 | 1608 |
| 148 | June 17, 1991 | 1662 |
| 149 | June 18, 1991 | 1686 |

| *Calendar Day* | *Date* | *Page Number* |
|---|---|---|
| 150 | June 19, 1991 | 1718 |
| 151 | June 20, 1991 | 1818 |
| 152 | June 21, 1991 | 1847 |
| 153 | June 22, 1991 | 1892 |
| 154 | June 23, 1991 | 1915 |
| 155 | June 24, 1991 | 1965 |
| 156 | June 25, 1991 | 2002 |
| 157 | June 26, 1991 | 2024 |
| 158 | June 27, 1991 | 2068 |
| 159 | June 28, 1991 | 2099 |
| 160 | June 29, 1991 | 2149 |
| 161 | June 30, 1991 | 2279 |

# LISTING OF ASSEMBLY BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

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*No.* *Summary, Introducer and Page Reference*

1....Limits reimbursement of legislators for travel expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Dini, McGaughey, Porter, Price, Callister, Arberry, Evans, Heller, Little, Bergevin, Wendell Williams, Kerns, Carpenter, Goetting, Marvel, Pettyjohn, Spitler, Spriggs, Norton, Bayley, Lambert, Giunchigliani, Freeman, Petrak, Anderson, Haller, Bennett, Hardy, Stout, Elliott, Garner, Sader, Humke, Scherer, Wong, Krenzer, Johnson, Gregory, McGinness and Bache. 17, 21,* 22, 78.

2....Authorizes legislator to receive additional lodging allowance under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 18, 116, 121, 131,* 132, 150, 157.

3....Makes various changes relating to committees for political action. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 18, 383, 410, 432, 433.*

4....Prohibits campaign contribution to legislator or legislative caucus during legislative session. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 18, 291, 310, 317.*

5....Provides for rescission of certain contracts for purchase of used vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 27, 29.

6....Makes various changes relating to sale of subdivided land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 27, 29.

7....Makes various changes relating to time shares. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 27, 29, 168, 177, 202,* 430, 447.

8....Authorizes organization of certain teams to assist in coordination of protective services for older persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 28, 29, 96, 167. 178, 202,* 449, 488.

9....Reduces required frequency of meetings of commission on tourism. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 28, 29, 109, 116, 123,* 231, 251.

10....Exempts public works project from requirement for competitive bidding in emergency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 28, 29.

11....Revises restrictions on change orders made by state public works board on smaller contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 28, 29.

12....Repeals provision requiring analysis of public buildings for energy conservation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 28, 29.

13....Increases salaries for boards of trustees of school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 29, 327, 338, 360, 377,* 683, 712.

14....Authorizes financial assistance to school district that adopts extended school year program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 29, 327, 339.

15....Provides funding for summer school as part of basic support of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 30.

16....Makes various changes concerning tax on residential construction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 30.

17....Expands definition of junior high or middle school to include fifth grade. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 30.

*No.* *Summary, Introducer and Page Reference*

18....Authorizes reduction in minimum number of school days for year-round school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 30, 263, 277.

19....Removes authority of commission on professional standards in education to regulate educational personnel other than teachers and provides such authority to state board of education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 30.

20....Repeals provision relating to transfer or reassignment of certain educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 30.

21....Authorizes informal hearing for suspensions of 10 days or less of licensed educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 31.

22....Authorizes county to provide that employable indigent person without dependent children may not receive cash grant for necessary maintenance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 31.

23....Increases percentage of total number of children receiving certain assistance who may have been in foster care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 31, 995, 997, 998, 1017,* 1020, 1290, 1307.

24....Establishes interest-bearing account for child support payments collected by state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 31.

25....Provides for licensing of facilities for intermediate care for mentally retarded persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 31, 1409, 2087, 2093, 2094,* 2096.

26....Makes various changes relating to regulation of health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32, 443, 460, 484, 1226, 1239, 1268,* 1279, 1915, 2085, 2148.

27....Changes statutory references from "crippled children" to "children with special health care needs." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32, 443, 460, 486,* 683, 712.

28....Authorizes health division of department of human resources to impose administrative penalty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32, 595, 610, 616,* 640.

29....Expands definition of food establishment for purposes of regulation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32, 443, 460, 486,* 683, 712.

30....Provides that certificates in custody of state registrar of vital statistics are confidential. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32.

31....Prohibits person not certified as alcohol and drug abuse counselor from representing himself as certified counselor. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 32, 995, 997, 998, 1017,* 1020, 1290, 1307.

32....Authorizes temporary advance of money from state general fund to bureau of alcohol and drug abuse of rehabilitation division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 33, 995, 997, 998, 1123, 1153,* 1155, 1589, 1661.

33....Authorizes longevity pay for justices of the peace and municipal judges. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 33, 159, 170, 183, 184.*

34....Establishes per diem expense allowance for certain judicial officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 33, 159, 160, 170, 987, 1039, 2134.

35....Increases length of term of office of justice of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 33, 645, 674, 684, 689,* 1242, 1287.

36....Increases amount of benefits for surviving spouse of justice of supreme court or district judge. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 33, 159, 160.

37....Reduces period for continuing garnishment of earnings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

*No.* *Summary, Introducer and Page Reference*

38....Revises provisions governing persons who may serve notice to quit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

39....Revises requirements for service of notice to quit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

40....Expands governmental immunity with regard to inspections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

41....Eliminates automatic termination of garnishment of earnings after 120 days and increases fee paid to garnishee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

42....Requires notice of juvenile court master's findings be given to district attorney and provides him with limited right to appeal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 34.

43....Changes standard for determining similarity between new and existing names of corporations and partnerships. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35.

44....Makes various changes relating to the secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35, 246, 254, 266,* 267, 430, 447.

45....Makes various changes relating to plea bargains. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35, 159, 170, 193,* 766, 840.

46....Authorizes use of certain testimony provided at preliminary hearing by witness who refuses at trial to comply with order of judge to testify. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35.

47....Makes admissible in criminal proceeding certain evidence derived from lawfully intercepted wire or oral communication. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35.

48....Clarifies provisions relating to notification of person under investigation by grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 36.

49....Requires courts to give precedence to certain cases involving sexual assaults or victims or witnesses who are minors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 36.

50....Reduces penalty for certain interception or recording of wire or radio communications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 36, 159, 171, 192, 1265.

51....Authorizes forfeiture of certain property used or intended to be used to violate certain laws of other jurisdictions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 36, 159, 172, 193,* 766, 866, 892.

52....Limits immunity from prosecution for certain witnesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 36.

53....Allows public administrator and public guardian to have access to records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 37, 109, 116, 123,* 438, 444, 473.

54....Permits joinder of similar offenses in same trial. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 37.

55....Clarifies duty of social workers to report certain wrongful conduct. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 37, 114, 121, 130,* 449, 488.

56....Limits parole of person convicted of attempted sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 37, 159, 172, 184,* 272, 306.

57....Increases penalty for falsely representing or impersonating another person. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 37.

58....Prohibits malicious use of emergency telephone number. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 37, 159, 172, 193,* 272, 306.

59....Prohibits possession of certain firearms that do not have unique serial number. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 38.

*No.* *Summary, Introducer and Page Reference*

60....Adds trafficking in controlled substances to list of crimes related to racketeering. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 38, 246, 254, 267,* 476, 508, 520.

61....Establishes additional penalty for felony committed on school grounds or at activity sponsored by school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 38.

62....Requires social workers to report abuse of elderly persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 38.

63....Revises responsibilities of board of county commissioners over certain jails in its county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 38.

64....Prohibits unauthorized possession or making of certain items by prisoner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 38, 114, 121.

65....Allows board of county commissioners to enter into agreement with another county or city for detention of prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 39, 114, 122, 139,* 231, 251.

66....Makes various changes relating to escape of prisoners from jails and other local detention facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 39, 114, 122, 139,* 263, 286, 306.

67....Authorizes sheriff to discharge certain prisoners in county jail at any time on last day of their sentences. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 39, 114, 122.

68....Revises amount of credit which may be earned by prisoner in local detention facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 39, 114, 122, 139,* 357, 426, 435.

69....Allows public administrators to administer certain small estates by affidavit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 39, 437, 461, 493,* 595, 612.

70....Allows public administrators to dispose of certain items of personal property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 40, 137, 145, 161,* 246, 259.

71....Enlarges provisions for protective custody of children and review of rulings of juvenile masters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 40, 230, 248, 267,* 766, 866, 982, 997, 1435, 1453, 1525.

72....Makes various changes relating to procedure at hearing on need of protection for child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 40.

73....Provides penalty for late payment to county of gaming license fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 40, 315, 331, 353, 360, 377,* 1242, 1287.

74....Makes various changes relating to racing of animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 40, 245, 254, 276, 364, 385,* 1242, 1299, 1307.

75....Requires certain persons to pay same fees for disposing of hazardous waste as would be imposed in state where hazardous waste was generated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 41.

76....Makes various changes in provisions governing watercraft. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 41, 289, 310, 327, 493, 494, 518, 531, 560, 580, 686, 692, 731, 732,* 1336, 1432, 1451.

77....Authorizes board of wildlife commissioners to adopt regulations to issue permits for hunting of ravens from aircraft. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 41.

78....Clarifies and revises certain provisions concerning mining reclamation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 41, 245, 255, 283,* 595, 612.

79....Expands scope of positions administrator of division of mine inspection may fill. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 41, 142, 146, 161,* 326, 348.

*No.* *Summary, Introducer and Page Reference*

80....Increases amount of assessment on certain dairy products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 42, 118, 127, 635, 847, 851, 852, 860, 861* 863, 1488, 1525.

81....Makes various changes relating to inspection of meat and poultry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 42, 127, 139, 142, 163, 174,* 263, 286.

82....Makes various changes concerning property taxes and estimate of population for apportionment of certain tax revenue. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 42, 397, 418, 442, 458,* 2132, 2161, 2319.

83....Allows executive director of department of taxation access to certain information of state agencies for collection of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 42, 1847.

84....Repeals provisions restricting supplier of liquor from charging higher price to wholesaler in this state than to wholesalers elsewhere. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 42.

85....Provides for collection of tax on estate of nonresident decedent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 42, 208, 215, 243,* 490, 510.

86....Requires imposition of tax for safety and security of public schools upon approval of voters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 43, 1247, 1251, 1290, 1304, 1312, 1317, 1318,* 1488, 1525.

87....Limits reversion of certain property to department of transportation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 43, 189, 200, 206,* 207, 1589, 1684, 1717.

88....Authorizes issuance of special license plates for certain motor vehicles used in courses of instruction in automotive repair. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 43, 438, 462, 493,* 894, 919.

89....Allows revocation of driver's license of person with detectable amount of certain controlled substances in his system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 43, 1121, 1132, 1162,* 1550, 1594, 1662, 1663, 1861, 1915, 2023.

90....Establishes program for issuing provisional licenses to young drivers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 43.

91....Allows placement of lien on motor vehicle for unpaid child support. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 44.

92....Allows U-turn at most locations unless otherwise posted. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 44, 438, 463, 493, 501, 508,* 615, 643.

93....Eliminates requirement that certain juvenile probation officers be certified by peace officers' standards and training committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 44, 118, 129, 146, 147,* 449, 488.

94....Authorizes chief of investigation division of department of motor vehicles and public safety to train volunteers in skills of investigator and to enter certain agreements with state and local law enforcement agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 44, 189, 200, 216, 243.*

95....Requires law enforcement authority to request dental records of missing person under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 44.

96....Specifies amount to be paid by certain public employers for group insurance for public employees for next biennium. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 45.

97....Makes appropriation to Northern Nevada Community College in Winnemucca for expansion of its facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Marvel. 45.

98....Makes appropriation to City of Winnemucca for restoration of Nixon Opera House. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Marvel. 45.

*No.* *Summary, Introducer and Page Reference*

99....Eliminates requirement that city attorney of city incorporated under general law must reside in city. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 45, 96, 105, 112,* 231, 251.

100....Revises provisions governing notice of hearing for proposed zoning change or exception. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Lambert, Elliott and Callister. 45, 430, 439, 451,* 913, 944, 979.

101....Lowers threshold for disclosing certain political contributions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert, Humke, McGaughey and Marvel. 45, 449, 485, 494.*

102....Requires governing body of certain counties and cities to adopt ordinance allowing solicitors for certain charitable organizations to solicit contributions while standing on median strip of highway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goetting, Myrna Williams, McGaughey, Porter, Bergevin, Callister, Lambert, Norton, Freeman and Bache. 46, 263, 277, 314, 317,* 490, 510.

103....Makes various changes to provisions governing occupational education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Dini, Myrna Williams, Arberry, Callister, McGaughey, Price, Spitler, Little, Heller, Bennett, Sader, Garner, Porter, Bache, Carpenter, Wendell Williams, Kerns, McGinness, Lambert, Haller, Anderson, Petrak, Johnson, Norton, Krenzer, Stout, Marvel, Freeman and Elliott. 46, 617, 640, 1444, 1445, 1450, 1489, 1490,* 2149, 2319.

104....Makes various changes relating to taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Myrna Williams, Porter, Price, Callister, Arberry, Goetting, McGaughey, Norton, Giunchigliani, Gregory, Carpenter, Spitler, Little, Krenzer, Wendell Williams, Scherer, Stout, Bayley, Hardy, Garner, Bennett, Petrak, Wong and Bache. 46, 1341, 1342, 1369, 1403, 1723, 1729, 1734, 1837, 1845,* 2045, 2055, 2098.

105....Revises provision limiting authority of consumer's advocate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 168, 179, 202,* 326, 348.

106....Repeals certain statutes relating to obsolete duties of sheriffs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 142, 155, 161, 162,* 246, 259.

107....Requires notary public to verify certain matters in performing notarial acts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 159, 172, 184,* 326, 348.

108....Makes various changes relating to meetings of public bodies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51.

109....Revises procedure for filling vacancy in office of district attorney. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 219, 237, 257,* 430, 447.

110....Expands county and city powers over parks and recreation to include cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 51, 159, 172, 183, 327, 333, 353, 360, 377, 378,* 1048, 1085.

111....Authorizes county recorder to produce certified abstracts of recorded certificates of marriage in lieu of certified photocopies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 159, 172, 184,* 326, 348.

112....Revises provisions governing fees charged by sheriffs and constables. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 430, 439, 486,* 1048, 1098, 1146.

113....Expands restriction on practice of law by sheriff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 142, 155, 162,* 430, 447.

114....Prohibits certain counties from creating office of county public defender during specified times. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 263, 281, 314, 317,* 1453, 1541, 1569.

115....Expands provision providing payment for longevity for elected county officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 52, 213, 223, 243, 246.

116....Provides for licensing and regulation of entertainment by referral services and related entertainers outside incorporated cities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 245, 255, 283,* 476, 508, 520.

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117....Requires county treasurer to account separately for money received or paid out from money kept for apportionment of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 245, 256, 283, 284.*

118....Changes manner of giving notice of hearing on proposed improvement project in local improvement district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53.

119....Clarifies definition of "contiguous" for purposes of laws governing annexation by cities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53.

120....Increases compensation for members of planning commission. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 159, 172, 185,* 646, 681.

121....Makes various changes to statutes relating to land use. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 53, 168, 180, 202,* 326, 348.

122....Revises provisions concerning correction of errors in plats, records of survey and maps of subdivisions of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 54.

123....Eliminates authorization to waive requirement for survey for parcel maps of certain divisions of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 54.

124....Authorizes inclusion of safety plan within master plan in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 54, 1437, 1445, 1446, 1490,* 1915, 1922, 2000.

125....Extends period within which tentative and final maps must be acted upon and residential construction tax must be used under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 54, 555, 567, 588,* 766, 840.

126....Extends period within which impact fee must be used under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 54, 555, 567, 588,* 766, 840.

127....Provides for continuance of offer to dedicate property indicated on parcel map for street or easement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 55.

128....Authorizes local planning commissions to take final action on proposed divisions of land into large parcels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 55, 219, 238, 257,* 683, 712.

129....Authorizes governing body of city or county to expand authority of hearing examiner in matters affecting zoning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 55.

130....Authorizes collective bargaining for certain employees in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 55, 982, 987, 1039,* 1040, 1042, 2002, 2160, 2319.

131....Limits scope of mandatory bargaining in negotiation of contract by board of trustees of county school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 55.

132....Limits binding factfinding to issue of salary in labor dispute involving local school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 56.

133....Changes composition of public employees' retirement board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 56.

134....Requires, upon request, granting of leave of absence without pay for state employees to care for newborn or newly adopted children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 56, 263, 282, 314, 317,* 318, 615, 641, 697, 711, 1130, 1222, 1832, 1847.

135....Allows certain employees in classified service of state to choose work schedule based on seniority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 56.

136....Clarifies that public officers and employees may contract with Nevada as independent contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 56.

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137....Makes various changes concerning public employees' retirement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 56, 686, 704, 750,* 2082, 2096, 2148.

138....Limits period that public employee may remain on leave without pay while receiving benefits for work-related illness or injury. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57.

139....Requires timely filing of reports on performance of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57.

140....Makes various changes to provisions governing insurance for public officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57, 367, 384, 425, 443, 451,* 615, 642, 668.

141....Clarifies computation of average compensation of certain local governmental officers for purposes of public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57.

142....Excludes certain sources of revenue of local government from consideration in collective bargaining between local government and its employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57.

143....Revises definition of collective bargaining for provisions governing relations between local governments and their employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58.

144....Authorizes temporary limited appointment of certain handicapped persons to all class grades in classified service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 159, 172, 185,* 490, 510.

145....Provides for confidentiality of opinions of local ethics committees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 219, 238, 246,* 430, 447.

146....Increases fine authorized for violation of certain regulations of general improvement district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 604, 620, 651,* 894, 919.

147....Authorizes housing division of department of commerce to issue letters of credit to finance residential housing and transfer certain money to trust fund for low-income housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 213, 222, 338, 340, 360, 378,* 615, 642, 668.

148....Reorganizes Nevada rural housing authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 219, 238, 327, 334, 353, 360, 376, 904, 907, 909.*

149....Makes various changes relating to purchasing division of department of general services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59, 356, 374, 412, 556, 559, 580,* 1242, 1287.

150....Allows county commissioners to delegate authority to approve certain claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59, 159, 173, 185,* 326, 348.

151....Allows investment of money in state permanent school fund in United States treasury notes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59, 367, 385, 412, 413,* 512, 529.

152....Allows local governments to invest in commercial paper. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59, 555, 568, 589,* 913, 937.

153....Revises provisions governing investment of money by state treasurer for local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59.

154....Allows depositories of state money to provide microfilmed copies of paid checks or other evidence of such checks which may be transmitted by computer to state treasurer in lieu of actual checks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 59, 367, 385, 413,* 615, 667, 681.

155....Allows local governments to invest in certain mutual funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 60, 159, 173, 185,* 430, 434, 447.

156....Increases percentage of state money authorized for investment in bankers' acceptances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 60, 499, 514, 537,* 894, 919.

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157....Increases amount of money authorized for investment in bankers' acceptances by county or city. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 60.

158....Makes various changes relating to state finances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 60, 271, 294, 295, 377, 385,* 683, 712.

159....Eliminates requirements for publication of certain notices by counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 60.

160....Prohibits discharge of employee based on his service as member of volunteer search and rescue. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61, 159, 173, 185,* 186, 1308, 1338, 1416.

161....Eliminates obsolete statutory reference to United Spanish War Veterans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61, 204, 216, 223,* 326, 348.

162....Limits state fire marshal's authority to issue permits for storage of hazardous materials. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61.

163....Increases fees for appointment and licensing of state water right surveyors and well drillers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61, 159, 173, 186,* 326, 348.

164....Revises authority of Colorado River commission to issue bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61, 499, 514, 527,* 913, 962, 1013.

165....Makes various changes to charter of City of Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 61, 499, 514, 537,* 1048, 1131, 1158.

166....Authorizes city council of Reno to fix rate for any utility provided by public enterprise. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62, 356, 374, 413,* 512, 529.

167....Authorizes general manager of Las Vegas Valley water district to designate employees to issue citations for violations of water district act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62, 219, 238, 257, 258, 338, 341, 353, 360, 379,* 615, 642, 668.

168....Directs state engineer to establish program that credits water rights to public water systems for adding certain customers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62.

169....Authorizes local governing bodies to require certain provisions relating to water on all parcel maps of proposed divisions of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62, 271, 295, 318,* 1242, 1287.

170....Requires approval of certain state agencies as to water quantity and quality before certain parcel maps may be recorded. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 62.

171....Revises composition and duties of board for financing water projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63, 176, 192, 202, 203,* 1242, 1287.

172....Authorizes state engineer to enter into interstate agreement for management of shared ground water basins. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63, 245, 256, 284,* 430, 447.

173....Clarifies authority of state engineer relating to appropriation of certain kinds of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63, 499, 516, 537, 538,* 766, 840.

174....Requires certain public utilities to obtain permission of public service commission of Nevada before disposing of or encumbering property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 63, 271, 295, 318,* 449, 488.

175....Makes various changes regarding planning use of water by division of water planning of the state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 63, 263, 282, 314, 318,* 512, 529.

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176....Authorizes state engineer to require additional information on certain applications for diversion of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 64, 159, 173, 186,* 326, 348.

177....Authorizes state employees to pay their own contributions to public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 64.

178....Increases maximum allowable payment for unused sick leave of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 64, 1906, 1907, 1908, 1969, 1970,* 1974, 2080, 2148.

179....Increases rate of contribution for retirement program of professional employees of University of Nevada System. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 64, 1415, 1419,* 1420, 1423, 2002, 2066.

180....Increases amount of compensation paid to state employees to encourage continuity of service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 64.

181....Provides for compensation of classified employees while on standby status. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 65.

182....Establishes formula for payment of premiums for group insurance for certain persons retired from state service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 65.

183....Revises provisions governing merit awards for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Government Affairs. 65, 1415, 1420,* 1423, 2024, 2098.

184....Requires state to pay portion of cost of converting service credit in public employees' retirement fund to service credit in police and firemen's retirement fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 65.

185....Eliminates reversion requirements for certain internal service funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 65, 1617, 1620, 1623, 1688,* 1691, 2002, 2066.

186....Requires free parking or reimbursement for cost of parking for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 65.

187....Requires employer to pay for certain licenses required of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 66.

188....Makes various changes relating to buildings and grounds division of department of general services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 66.

189....Authorizes certain local governments to collect fees for expenses incurred in responding to certain emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 66.

190....Makes various changes regarding ethics in government. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 66, 438, 444, 445, 447, 493, 519, 538, 543, 544,* 1915, 1943, 2015, 2016, 2045, 2081, 2278.

191....Sanctions operation of microfilm lab by state printing and micrographics division of department of general services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 66, 499, 517.

192....Requires computation of military leave for public employees in hours. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 67, 430, 441.

193....Provides state employee aggrieved by decision concerning classification with right to hearing before hearing officer and removes restriction on eligibility for membership on personnel commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 67, 1187, 1195, 1196, 1905, 1907, 1913, 1970,* 1974.

194....Establishes revolving account for unexpected expenses related to litigation by attorney general. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Government Affairs. 67, 555, 570, 1961, 1970,* 1974, 2149, 2160, 2319.

195....Revises law relating to overtime hours of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 67, 604, 620, 1223, 1226, 1238, 1268,* 1279, 1589, 1661.

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196....Makes appropriation to state department of conservation and natural resources for continuing examination of certain ground water basins. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Government Affairs. 67, 245, 256.

197....Establishes program of loans for capital improvements required of community water systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 68, 219, 239, 1457, 1490,* 2024, 2098.

198....Establishes program of grants for capital improvements required of certain water systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 68, 356, 375, 1458, 1476, 1500,* 1505, 2024, 2098.

199....Requires appointment of additional member of county fair and recreation board in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Spriggs. 68, 159, 173, 186, 193,* 326, 348.

200....Makes appropriation to state public works board to reinforce building that houses Nevada state museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Heller, Bergevin, Kerns, Elliott, Bennett, Carpenter, Haller, Johnson, McGinness, Wong, Petrak, Spriggs, Anderson, Krenzer, Bache, Marvel, Giunchigliani, Spitler, Arberry, Pettyjohn, Hardy, McGaughey, Bayley, Scherer, Gregory, Norton, Wendell Williams, Humke, Little, Gibbons and Freeman. 68.

201....Creates advisory committee on traumatic brain injuries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 69, 719, 738, 804, 822,* 824, 1453, 1540, 1569.

202....Provides for licensing and regulation of massage therapists and establishments. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 69, 765, 861,* 863.

203....Provides for domestic wineries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spriggs, Lambert, Kerns, Wendell Williams, McGaughey, Carpenter, Spitler, Bergevin, Myrna Williams, Little, Heller, Hardy, McGinness, Haller, Humke, Arberry, Norton, Bayley, Callister, Sader, Price, Porter, Freeman, Marvel, Dini, Wong, Scherer, Pettyjohn, Stout, Johnson, Goetting and Evans. 69, 230, 248, 267,* 430, 447.

204....Requires national collegiate athletic associations to observe minimum procedural standards in proceedings involving member institutions in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGaughey, Dini, Marvel, Bergevin, Garner, Lambert, Spriggs, Freeman, Haller, Kerns, Little, Bennett, Elliott, Gibbons, Bayley, Humke, Spitler, McGinness, Scherer, Porter, Callister, Sader, Myrna Williams, Giunchigliani, Price, Goetting, Bache, Pettyjohn, Norton, Hardy, Stout, Carpenter, Heller, Arberry, Wong, Wendell Williams, Gregory, Krenzer and Petrak. 69, 198, 205, 223, 228,* 430, 434, 447.

205....Requires public officers and employees to comply with code of ethical standards and provides civil penalty for failure to comply. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Porter, Price, Callister, Evans, Arberry, Lambert, Goetting, Giunchigliani, Spriggs, Norton, McGaughey, Sader, Wendell Williams, Gregory, Scherer, Humke, Petrak, Carpenter, Gibbons, Wong, Johnson, Bennett, Krenzer, Garner, Heller, Bayley, Hardy, Haller, McGinness, Spitler, Anderson, Bache, Pettyjohn, Freeman and Dini. 70.

206....Requires certain students who receive stipends from Western Interstate Commission for Higher Education to provide service without pay to state or local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Porter, Price, Callister, Evans, Arberry, Lambert, Goetting, Giunchigliani, Spriggs, Norton, McGaughey, Gregory, Wendell Williams, Scherer, Humke, Petrak, Carpenter, Gibbons, Wong, Johnson, Krenzer, Bennett, Garner, Heller, Hardy, Haller, Bayley, Spitler, Anderson, Bache, Pettyjohn, Freeman and Dini. 70.

207....Allows establishment of committee to treat impaired providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Porter, McGaughey, Callister, Arberry, Spriggs, Myrna Williams, Scherer, Kerns, Wong, Elliott, Garner and Norton. 70, 208, 215, 238, 242, 254, 276, 286.*

208....Increases rate of tax on malt beverage liquor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 70.

209....Extends liability of employer in tort for accidental injury or occupational disease of employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 82.

210....Clarifies and revises provisions requiring department of wildlife to issue nonresident deer tags for certain hunting seasons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 82, 142, 146, 151, 156,* 326, 361, 381.

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211....Makes various changes regarding wildlife and other animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 83, 167, 180, 203,* 512, 592, 646, 667, 865, 871, 911.

212....Increases amount of rent deemed to be property tax for purpose of senior citizen's allowance against property tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Myrna Williams, Bergevin, Haller, Petrak, Giunchigliani, Spitler, McGinness, Bache, Garner, Bennett, Krenzer, Lambert, Sader, Arberry, Porter and Callister. 83, 168, 182, 2011, 2014, 2026, 2028,* 2029, 2257, 2258.

213....Exempts certain persons from requirement for reporting abuse or neglect of child or abuse, neglect or exploitation of older person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke. 83.

214....Makes various changes to provisions governing sales promotions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 83.

215....Allows incarceration in county jail of person convicted of third or subsequent offense of driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84.

216....Clarifies jurisdiction of district courts over certain actions for possession of lands and tenements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84, 114, 123, 130,* 430, 447.

217....Avoids postponement of vesting of certain future interests in property beyond time accepted by certain estate tax regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84, 114, 123, 130, 131,* 430, 447.

218....Increases monetary limit of jurisdiction of justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84.

219....Expands period of limitation for cause of action for damages for injury caused by sexual abuse which occurred when plaintiff was minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84, 253, 265, 294, 314, 318, 319,* 430, 447.

220....Exempts certain persons from requirement for reporting abuse or neglect of child or abuse, neglect or exploitation of older person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 84.

221....Enacts Uniform Common-Interest Ownership Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 85, 803, 826, 830, 861,* 863, 1242, 1287.

222....Revises Uniform Controlled Substances Act to 1990 version. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 85, 407, 422, 443, 451,* 452, 1527, 1694, 1847, 1863, 1979, 2016, 2148.

223....Makes various changes relating to authority of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 85, 1016, 1020, 1050, 1090,* 1094.

224....Revises provisions governing property tax assistance to senior citizens. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Haller, McGaughey, Gibbons, Bergevin, Petrak, Bennett, Bayley, Norton, Elliott, Giunchigliani, Garner, Anderson, Bache, Johnson, Gregory, Freeman, Little, Dini, Myrna Williams, Heller, Spitler, Evans, Arberry, Krenzer, Wendell Williams, Porter, Price and Sader. 85, 145, 155, 1664, 1667, 1679, 1721, 1722,* 1729.

225....Requires public utility upon request of certain peace officers to assist in tracing person who uses 911 emergency telephone number or other emergency telephone service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bergevin and Garner. 87, 159, 173, 186, 193,* 194, 326, 348.

226....Makes appropriation to Washoe County from emergency fund of supplemental city-county relief tax for repair of water system for Crystal Bay. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Gibbons, McGaughey, Marvel, Evans, Johnson, Gregory, Heller, Kerns, Haller, McGinness, Freeman, Wong, Petrak, Anderson, Pettyjohn, Spriggs, Bergevin, Price and Carpenter. 87.

227....Makes various changes relating to post- conviction relief. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Porter, Bergevin, Haller, Spitler, Callister, Myrna Williams, Giunchigliani, Goetting, Evans, Wendell Williams, McGaughey, Marvel, Wong, Bennett, Sader, Freeman, Lambert, Bache, Pettyjohn, Anderson, Scherer, Bayley, McGinness, Humke, Dini, Norton, Petrak, Price, Arberry, Carpenter, Little, Garner, Heller, Krenzer, Gregory, Spriggs, Hardy, Kerns, Stout and Elliott. 88, 167, 183, 203,* 367, 396.

228....Makes various changes relating to Airport Authority of Lander County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 88, 555, 571, 589,* 1048, 1100, 1146.

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229....Makes appropriations for restoration of Yerington Grammar School No. 9 and train depot in Fernley. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini. 88, 1966, 1979, 1985, 2015, 2016,* 2018, 2149, 2319.

230....Makes appropriation to Fernley Preservation Society for restoration of train depot in Fernley. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini. 88.

231....Makes appropriation to state department of agriculture for costs related to becoming member of Western United States Agricultural Trade Association. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini, Carpenter, Spriggs, Bergevin, Marvel and McGinness. 88.

232....Makes appropriations to state fire marshal for training programs concerning hazardous materials and for training firemen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini, Carpenter, Spriggs, Bergevin, Marvel and McGinness. 89.

233....Authorizes certain persons with special license plates for disabled veterans to park in spaces designated for handicapped persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini, Freeman, Bennett, Arberry, Myrna Williams, Norton, Price, Giunchigliani, Spitler, Porter, Petrak, Haller, Little, Anderson, Garner, Bache, Evans, Krenzer, Callister, Wendell Williams, Sader, Johnson, Wong and McGaughey. 89, 801, 826, 837, 861,* 863, 1718, 1833, 1890.

234....Requires board of medical examiners to waive requirement that physician's assistant have bachelor's degree in county whose population is less than 25,000. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Elliott, Spriggs, McGinness, Marvel, Bergevin, Heller and Carpenter. 89.

235....Designates office of district attorney as nonpartisan in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 89.

236....Makes various changes relating to legislative audits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 89, 189, 201, 207,* 1048, 1085.

237....Makes various changes to provisions governing transportation of pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 90, 416, 431, 457,* 683, 712.

238....Increases required hours of training for school bus drivers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Education. 90, 397, 423.

239....Requires director of department of human resources to adopt master plan for provision of human services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 90, 315, 332, 353, 360, 379,* 841, 880, 911.

240....Establishes program to provide monetary assistance for working parents to obtain child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 91.

241....Establishes program to provide grants for expansion of Head Start programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 91, 719, 738.

242....Expands duties of bureau of services for child care of youth services division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 91.

243....Provides for grants to allow children of low- income families to participate in latchkey programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 91, 719, 739.

244....Revises definition of certain agricultural terms for purposes related to property tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bergevin, Myrna Williams, Callister, Marvel, Lambert, Dini and Price. 91, 341, 353, 379,* 1242, 1287.

245....Limits use of choke hold by peace officer. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wendell Williams, Arberry, Price, Callister, Giunchigliani and Porter. 94, 735, 769, 850, 929, 934, 957, 959,* 1453, 1525.

246....Makes various changes relating to sale, lease or exchange of land between public agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 97, 604, 623, 736, 745, 822,* 824, 1242, 1287.

247....Specifies circumstances under which vacancies in state personnel system may be filled by open competition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 97.

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248....Revises provisions governing notice of hearing for proposed zoning changes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 97, 954, 961, 965, 1016, 1089, 1093, 1123, 1126, 1162, 1163.*

249....Authorizes joint negotiations during collective bargaining by certain bargaining units. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 97, 604, 624, 646, 736, 763, 777, 822,* 824, 1290, 1299, 1307.

250....Exempts from provisions of State Purchasing Act certain purchases made by bureau of services to the blind. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98.

251....Authorizes local government to establish program of volunteers for enforcement of certain laws concerning parking. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98, 356, 376, 386.*

252....Provides for discussion of comments made by member of general public at meeting of public body. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98, 1048, 1056, 1058, 1090, 1153,* 1155, 1304, 1334.

253....Provides that city attorney of Las Vegas is appointed by and is under supervision of city council rather than city manager. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 98, 159, 173, 186, 194,* 357, 381.

254....Revises provisions entitling insured person with policy of health insurance to reimbursement for treatment by chiropractor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 98, 956, 961, 967, 1016, 1291, 1298, 1317,* 1318.

255....Makes various changes relating to practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 99, 1530, 1531, 1571, 1578, 1580, 1615,* 1616, 2024, 2170, 2319.

256....Adopts recent revisions and additions to Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Judiciary. 99, 437, 464, 494,* 841, 867, 873, 982, 997, 1056, 1070, 1146.

257....Creates cause of action for harassment of public officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 99.

258....Makes appropriation to Lyon County school district for planning of multi-district vocational technical high school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini. 99, 1966, 1979, 1986, 2015, 2016,* 2017, 2018, 2149, 2319.

259....Creates state board of orthotists and prosthetists and requires licensing of orthotists and prosthetists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Stout. 99.

260....Authorizes department of motor vehicles and public safety to issue special license plate to member of civil air patrol. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Johnson, Krenzer, Bache, Spitler, Arberry, Garner, Evans, Anderson, Wong, Norton, Wendell Williams, Little, Callister, Myrna Williams, Carpenter, Price, McGaughey, Petrak, Bergevin and Giunchigliani. 100, 407, 425, 443, 457,* 587, 602.

261....Allows temporary suspension of pupils in program of special education without approval of board of trustees of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 100, 1267, 1277, 1282, 1305, 1322, 1324, 1406,* 1408, 1718, 1846.

262....Reduces grade required to pass examination for license as marriage and family therapist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 101.

263....Provides that seller of real property need not disclose that property was site of any crime or death by natural or accidental causes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101.

264....Limits circumstances under which recovery under policy of insurance may be denied. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101.

265....Requires contractors to make prompt payments to subcontractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101.

266....Establishes uniform requirements for certain franchises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101.

267....Creates department of public advocacy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 102.

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268....Provides for development of programs to aid certain pupils at risk of dropping out of school and to prevent substance abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Humke, Evans, Callister, Arberry, Price, Lambert, McGinness, Spitler, Haller, Pettyjohn, Heller, McGaughey, Carpenter, Stout, Giunchigliani, Bergevin, Wendell Williams, Gibbons, Gregory, Krenzer, Goetting, Anderson and Myrna Williams. 102, 915, 917, 918, 1458, 1477, 1500,* 1505, 2149, 2319.

269....Revises certain fees for marriage licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Anderson, Krenzer, Arberry, Bache, Carpenter, Johnson, Myrna Williams, Giunchigliani, Kerns, Spriggs, Stout, Marvel, Freeman, Norton, Elliott, Scherer, Wendell Williams, Price, Heller, Gregory, Hardy, Humke, Callister, Spitler, Lambert, Porter, Bennett, Sader, Dini, Haller and Goetting. 102, 253, 265, 294, 314, 319,* 1527, 1542, 1819, 1820, 1862, 2002, 2098.

270....Requires legislative counsel to disclose, under certain circumstances, name of requester of legislative measure requested by or through committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Gibbons, Petrak, Anderson, Giunchigliani, Pettyjohn, Arberry, Goetting, Sader, Bache, Gregory, Scherer, Bayley, Haller, Spitler, Bennett, Heller, Spriggs, Bergevin, Johnson, Stout, Callister, Lambert, Myrna Williams, Carpenter, Little, Wendell Williams, Elliott, McGaughey, Wong, Evans, McGinness, Krenzer, Freeman, Marvel, Kerns, Garner, Norton, Porter and Dini. 105, 189, 201, 207,* 2024, 2038, 2098.

271....Establishes fees for disposal of hazardous waste. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goetting, Price, McGaughey, Porter, Scherer, Anderson, Humke, Pettyjohn, Evans, Haller, McGinness, Spitler, Giunchigliani, Wendell Williams, Little, Elliott, Carpenter, Bennett, Petrak, Stout, Krenzer, Kerns, Marvel, Gibbons, Wong, Johnson, Bache, Callister, Hardy, Gregory, Arberry and Heller. 105, 1121, 1132, 1161, 1162, 1163, 1168,* 1406, 1435.

272....Makes permanent a change in method of calculating wages for purposes of unemployment compensation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 105, 253, 265, 284,* 449, 488.

273....Repeals prospective expiration of employment training program for claimants of unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 106, 253, 265, 284,* 449, 488.

274....Requires loads of certain motor vehicles to be covered. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 106.

275....Accelerates provision of temporary driver's license when revocation of permanent license is challenged. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 106.

276....Increases amount of security required of owner or operator of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 106.

277.... Eliminates requirement that certain criminal citations be prepared in quadruplicate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 107, 151, 161, 174,* 289, 324.

278....Increases number of district judges and establishes family court as division of district court in certain judicial districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Myrna Williams, Humke, Porter, Callister, Sader, Bache, Giunchigliani, Krenzer, Carpenter, Spitler, Norton, Freeman, Elliott, Anderson, Gibbons, Petrak, Bennett, Haller, Price, Wong, Stout, Gregory, Johnson, Marvel, Heller, Goetting, Evans, Pettyjohn, Garner, Dini, Bayley, Hardy and McGaughey. 107, 746, 748, 750, 1050, 1070, 1217, 1218.*

279....Prohibits licensure of certain physicians in Nevada whose licenses to practice medicine in other jurisdictions have been revoked for gross medical negligence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Porter, Callister, Sader, Humke, Bache, Giunchigliani, Krenzer, Carpenter, Spitler, Norton, Little, Petrak, Anderson, Gibbons, Elliott, Freeman, Haller, Price, Marvel, Heller, Johnson, Bennett, Wong, Gregory, Stout, Scherer, Evans, Goetting, Pettyjohn, Garner, Dini, Hardy, Bayley and McGaughey. 107, 765, 802, 897, 898, 907, 910,* 1453, 1561, 1587.

280....Authorizes board of county commissioners in certain counties to establish centralized billing and collection of certain fines, fees, bails and forfeitures imposed by court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110, 604, 625, 651,* 652, 1048, 1100, 1146.

281....Establishes standards for eligibility for candidate for office of sheriff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 110.

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282....Increases amount and type of indebtedness that may be incurred by board of directors of irrigation district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, McGinness, Marvel and Bergevin. 110, 127, 131,* 150.

283....Creates board of supreme court law library trustees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 115, 161, 173, 186, 192, 582.

284....Directs governing bodies of counties and cities to require owner of each commercial building to post street address of building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 115, 356, 376, 385, 485, 487, 607, 611, 638, 646, 653, 689,* 1453, 1510, 1548.

285....Makes supplemental appropriation to welfare division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Norton, Bennett, Petrak, Wendell Williams, Bache, Gibbons, Anderson, Freeman, Garner, Haller, Giunchigliani, Arberry, Johnson, Sader, Spitler and Myrna Williams. 115, 342, 348, 360, 376, 377,* 476, 497.

286....Makes appropriation for development of plan for program for use of public and private money as capital for investment in new enterprises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Dini, Freeman, Porter, Kerns, Myrna Williams and McGaughey. 116, 234, 249, 267,* 2149, 2166, 2319.

287....Allows arrest of person during night for misdemeanor under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 119, 189, 201, 207,* 841, 868, 892.

288....Eliminates exemption from registration provided for certain securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 120, 167, 183, 194,* 532, 553.

289....Requires state gaming control board to disclose certain information to welfare division of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 120, 159, 168, 238, 239, 258,* 1242, 1287.

290....Creates Carson City capitol complex subcommittee of legislative commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGaughey, Dini, Stout, Callister, Bennett, Haller, Gibbons, Johnson, Krenzer, Bayley, Little, Humke, Wendell Williams, Wong, Goetting, Bergevin, Porter, Bache, Elliott, Sader, McGinness, Lambert, Anderson, Pettyjohn, Garner, Norton, Myrna Williams and Gregory. 120, 954, 961, 969, 979, 1245, 1268, 1269,* 1279, 2132, 2159, 2319.

291....Makes various changes to provisions governing procurement and use of false identification. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. McGaughey, Stout, Callister, Bennett, Haller, Bayley, Wendell Williams, Kerns, Wong, Krenzer, Goetting, Bergevin, Humke, Porter, Bache, Elliott, Little, McGinness, Lambert, Anderson, Pettyjohn, Garner, Norton and Gregory. 120, 697, 723, 777, 822,* 823, 824, 1048, 1085.

292....Makes appropriation for distribution to public broadcasting stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 128, 1335, 1338, 1343, 1420,* 1423, 2024, 2098.

293....Creates advisory board and position of coordinator and makes appropriations to department of human resources to establish and carry out programs for evaluation, treatment and rehabilitation of juvenile sex offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 128.

294....Provides additional penalties for failure of owner or operator of tow car to clean roadway after removing disabled vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGaughey, Myrna Williams, Spitler, Norton, Gibbons, Haller, Kerns, Petrak, Bennett, Elliott, Gregory, Freeman, Anderson, Little, Garner, Krenzer, Wong, Price, Arberry, Stout, Pettyjohn, Heller, Evans and Lambert. 128, 438, 465, 494,* 615, 643.

295....Makes various changes relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 128, 1619, 1620, 1623, 1625, 1898, 1901, 1970, 1978, 2003, 2016, 2026, 2038, 2055, 2118, 2119,* 2120, 2149, 2319.

296....Makes various changes relating to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 129, 1619, 1620, 1625, 1639, 1954, 1957, 2003, 2016, 2026, 2038, 2055, 2120, 2146, 2180, 2181.*

297....Requires state to issue money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 129.

298....Revises conditions and exemptions of requirement that employers pay extra compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 130.

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299....Limits applicability of provisions requiring approval of director of department of human resources for certain projects of health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Hardy, Myrna Williams, Price, Porter, Wendell Williams, McGinness, Stout, Haller, Bache, Callister, McGaughey, Dini, Garner, Bayley, Scherer, Spitler, Humke, Gregory, Johnson, Petrak, Goetting and Heller. 132, 995, 997, 998, 1040,* 1042, 1550, 1572, 1607.

300....Requires school districts to adopt rules prescribing apparel that may be worn by pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Scherer, Price, McGaughey, Spriggs, Haller, Krenzer, Norton, Bennett, Gregory, Spitler and Humke. 133.

301....Revises fees for certain court-appointed attorneys in criminal proceedings. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 137, 437, 466, 1962, 1970, 2015, 2017,* 2018, 2149, 2319.

302....Limits charges by public utilities for water used in mobile home parks in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 138.

303....Imposes tax on privilege of conducting business in Nevada and increases annual fees paid by corporations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 138, 1619, 1620, 1639, 1656, 1861, 1884, 1907, 1912, 1971, 2015, 2016, 2026, 2038, 2055, 2081, 2082, 2093, 2095, 2112, 2118,* 2120, 2257, 2259.

304....Clarifies that prohibition of certain trials anew on appeal from municipal courts is not retroactive. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 139, 159, 168, 350, 360, 386,* 841, 868, 982, 998, 1593, 1663, 1817.

305....Provides for treatment of certain persons convicted of driving under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. 140, 995, 997, 1001, 1008, 1044, 1050,* 1051, 1290, 1307.

306....Authorizes governing body of local government to establish review board to advise body on issues concerning peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams, Porter, Arberry and Johnson. 140.

307....Provides exception from certain requirements concerning contributions for justices of supreme court who become members of public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 143.

308....Revises requirements for county commissioner election districts in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 143, 604, 625, 652,* 1265, 1339, 1589, 1594, 1907, 2003, 2066.

309....Requires local government to use internal service fund to account for certain contributions made for group life, accident and health benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 143, 555, 573, 575, 607, 612,* 1048, 1101, 1146.

310....Requires subdivider of land to convey or dedicate adequate water rights for subdivision and affected school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 143.

311....Authorizes director of department of commerce to establish and collect certain fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 144, 356, 376, 2031, 2032, 2036, 2042, 2043,* 2257.

312....Revises provisions governing membership of governing body of Elko Convention and Visitors Authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 144, 713, 739, 875, 879, 1418, 1439,* 1718, 1846.

313....Authorizes early release of prisoners from overcrowded jails. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144, 230, 249, 267, 268,* 490, 510.

314....Provides for electronic supervision of prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144, 305, 313, 333,* 546, 551, 560.

315....Authorizes imposition of administrative fee upon prisoners serving intermittent sentences. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144, 512, 525, 547,* 841, 869, 892.

316....Requires assessment of demerit points against driver who violates written promise to appear. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144.

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317....Makes additional provisions for work and for education of prisoners in jails. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 144, 326, 337, 353, 379,* 490, 510.

318....Provides for voluntary labor on public works in place of physical confinement in jail. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 145, 326, 340, 360, 379, 380,* 766, 869, 892.

319....Requires county clerks in certain counties to use data from United States Postal Service to correct voters' addresses on voter registration lists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Freeman, Dini, Haller, Garner, Bennett, Krenzer, Wendell Williams, Porter, Johnson, Lambert, Anderson, Sader, Evans, Carpenter, Kerns, Gibbons and Humke. 147, 1720, 1729, 1730, 1821,* 1822.

320....Makes various changes regarding reducing, recycling and disposing of solid waste. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman, Giunchigliani, Bache, Arberry, Spitler, Anderson, Evans, Norton, Dini, Bennett, Kerns, Krenzer, Garner, Haller, Lambert, Goetting, Wong, Price, Sader, Johnson, Gibbons and Carpenter. 152, 878, 880, 881, 891, 1151, 1156, 1192, 1195,* 1718, 1811, 1893, 1916, 2003, 2098.

321....Authorizes public service commission of Nevada to order certain public utility to pay costs of certain parties intervening in proceeding before commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGaughey, Porter, Arberry, Carpenter, Sader, Dini, Evans, Humke, McGinness, Giunchigliani, Callister, Price, Myrna Williams, Wong, Johnson, Freeman, Hardy, Haller and Bayley. 153.

322....Authorizes diversion of first offenders addicted to controlled substances to treatment without trial. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 153.

323....Restricts reopening of estate based upon discovery of will. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 153, 305, 313, 319,* 438, 473.

324....Prohibits smoking of tobacco in school bus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 153, 899, 900, 902, 907, 910,* 1242, 1287.

325....Allows certain local governments to pay fees for services of county recorders on monthly basis. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 153.

326....Creates position of adolescent health coordinator in department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 154.

327....Establishes advisory board for maternal and child health. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 154, 1044, 1045, 1046, 1072,* 1073, 2279, 2283.

328....Requires submission of malpractice claims concerning emergency medical services to screening panel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goetting, Bergevin, Freeman, Lambert, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, McGaughey and Myrna Williams. 154, 230, 249, 250, 490, 501, 506.

329....Creates rebuttable presumption that money placed in joint tenancy shortly before death passes in accordance with will. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 160.

330....Makes various changes to Uniform Securities Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 160, 253, 265, 266, 847, 861, 896, 897, 914,* 917, 1242, 1287.

331....Makes appropriation to fund for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 160, 1268, 1277, 1283, 1290, 1305,* 2257.

332....Declares surrogacy agreements void. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams and Humke. 160, 246, 257, 268,* 276, 285, 314, 319,* 320.

333....Revises provisions governing fraternal benefit societies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 163, 476, 492, 518,* 615, 643.

334....Extends to widowers benefit of tax exemptions granted to widows and orphans. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 163, 535, 547, 576.*

*No.* *Summary, Introducer and Page Reference*

335....Revises provisions governing assessment of property for taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 163, 397, 425, 433,* 1290, 1307.

336....Revises provisions governing distribution of revenue from supplemental city-county relief tax. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 164.

337....Requires department of taxation to establish uniform standards and required training concerning the assessment of property by county assessors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 164, 397, 425, 433,* 1290, 1307.

338....Creates interim legislative committee on taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 164.

339....Authorizes local governments and department of transportation to establish toll roads and toll bridges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 164, 1417, 1424, 1425, 1851, 1861, 1889, 1950.*

340....Consolidates Elko and Eureka counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 164.

341....Increases age until which certain children are required to attend public school. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 164.

342....Creates and makes appropriation to fund for the control of agricultural pests. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Marvel, Bergevin, Carpenter, Spriggs, McGinness and Wendell Williams. 165, 416, 432.

343....Eliminates certain provisions relating to fees for licensing of banks and authorizes commissioner of financial institutions to adopt certain regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 169, 765, 819, 850,* 851, 940, 998, 1036.

344....Authorizes counties and cities to prohibit persons from advertising as junk or second hand dealer without required license. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 169, 1130, 1132, 1136, 1168,* 1308, 1404.

345....Repeals and revises various antiquated provisions of NRS. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spriggs, Lambert, McGinness, Gibbons and Sader. 169, 356, 376, 386,* 646, 681.

346....Increases allocation from fees collected for birth and death certificates for credit to children's trust account and increases revenue available for administering the account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Anderson, Heller, Arberry, Callister, Gregory, Gibbons, Scherer, Wendell Williams, Bayley, Myrna Williams, Hardy, Bache, Giunchigliani, Humke and Freeman. 169, 1045, 1046, 1072,* 1073.

347....Requires landlord of mobile home park to post and to provide to certain persons upon request copy of leases and rental agreements for lots in park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Norton, Elliott, Bayley, Johnson, Anderson, Gregory, Bache, Bennett, Petrak, Gibbons, Scherer, Little, Wong, Wendell Williams, Haller, Porter, Freeman, Price, Giunchigliani, Goetting, Pettyjohn, Arberry and Krenzer. 170, 1190, 1195, 1197, 1245, 1246, 1290, 1305,* 1438, 1487.

348....Prohibits publication of false statement relating to candidate or question on ballot. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 170.

349....Prohibits certain acts that would cause pollutant to be carried into waters of state and provides for regulation of certain hazardous substances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 173, 350, 360, 380,* 1290, 1433, 1451.

350....Authorizes state environmental commission to adopt regulations requiring certain persons operating plant for sewage treatment be certified by state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 173, 1087, 1097, 1107, 1153, 1154,* 1155, 1304, 1334.

351....Requires adoption of regulations by state environmental commission regarding availability of certain information. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 174, 1038, 1043, 1072,* 1073, 1438, 1487.

352....Establishes minimum rates of compensation for provision of clothing to foster child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Evans, Arberry, Callister, Wendell Williams, McGaughey, McGinness and Goetting. 174, 2265, 2266, 2267, 2272.*

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353....Authorizes issuance of special license plates to recipients of Purple Heart. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Spitler, Goetting, Pettyjohn, Petrak, Gregory, Bergevin, Porter, Wendell Williams, Krenzer, Norton, Haller, Kerns, Freeman, McGaughey, Scherer, Gibbons, Carpenter, Johnson, Bayley, Wong, Little, Arberry, Giunchigliani, Dini, Myrna Williams, Callister, Marvel, McGinness, Heller, Spriggs, Lambert and Bache. 176, 272, 296, 320,* 438, 473.

354....Makes supplemental appropriations to supreme court of Nevada for support of retired justices' duty fund and pensions of justices and judges and their surviving spouses and children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 186, 235, 250, 258,* 766, 1098, 1146.

355....Makes appropriation to office of attorney general to defend State of Nevada against potential liability from its alleged prior ownership of land claimed to be contaminated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 187.

356....Adopts uniform act on liens for construction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 190.

357....Limits liability of owner of real property for injuries to persons who are hang gliding or para-gliding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 190, 305, 313, 320,* 532, 553.

358....Extends provisions for determining sanity of defendant to all misdemeanors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 190, 437, 466, 469.

359....Imposes certain minimum standards for plumbing fixtures in certain construction and expansions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 191, 645, 674, 709, 750,* 1589, 1595, 1661.

360....Prohibits business from requiring customer to disclose certain information as condition of renting videotape. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert. 191.

361....Authorizes board of wildlife commissioners to issue fishing or hunting licenses at reduced fee to residents of state who are attending military academy operated by branch of Armed Forces of United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness, Arberry, Heller, Wong, McGaughey, Myrna Williams, Gibbons, Lambert, Spriggs, Little, Bergevin, Kerns, Hardy, Pettyjohn, Goetting, Gregory, Stout, Carpenter, Elliott, Wendell Williams, Garner, Anderson, Porter, Spitler, Dini, Freeman, Humke, Haller and Norton. 191, 438, 469, 471.

362....Eliminates authority of state contractors' board to grant waiver from requirement for surety bond or cash deposit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 191.

363....Prohibits landlord from preventing public officer or candidate for public office from walking through apartment complex. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 191.

364....Reduces length of campaign for certain elective offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 192.

365....Prohibits business from recording certain numbers as condition of accepting check or credit card. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert, Spriggs, Freeman, Bennett, Petrak, Johnson, Hardy, Sader, Porter, Kerns, Carpenter, Elliott, McGaughey, Bergevin, Garner, Gregory, Gibbons, Krenzer, Little, McGinness, Stout, Heller, Myrna Williams, Humke, Arberry, Goetting, Bache, Pettyjohn, Price and Wong. 192, 956, 961, 969, 1017,* 1020, 1718, 1861, 1914.

366....Makes appropriation to motor pool fund for purchase of additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 196, 291, 314, 331, 360, 362, 386,* 595, 1098, 1146.

367....Imposes generally accepted accounting principles on certain statements and schedules required for internal service funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 199, 604, 626, 652, 681, 709,* 710, 1048, 1085.

368....Makes various changes relating to collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 199.

369....Permits school district to consent to assessment of property by improvement district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 199, 499, 517, 527, 713, 750,* 1290, 1301, 1307.

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370....Expands authority of director of department of personnel to revise classification plan for positions in classified service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 199, 430, 442, 486,* 487, 1048, 1101, 1146.

371....Authorizes state agency selected by governor to use money saved through prudent fiscal management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Elliott, Scherer, Hardy, Bergevin, Kerns, Bennett, Gregory, Petrak, Anderson, Johnson, Gibbons, Porter, Lambert, Freeman, Bayley, Spriggs, Norton, Carpenter, Little, Stout, Dini, Heller, McGinness, McGaughey, Marvel, Arberry, Wendell Williams, Goetting, Spitler, Price, Myrna Williams, Humke, Wong, Giunchigliani and Callister. 200, 1417, 2055, 2064, 2079,* 2080, 2257.

372....Provides that water used in connection with disposal site or repository for radioactive waste is considered nonbeneficial use of water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Petrak, Lambert, Porter, Callister, Giunchigliani, Norton, McGaughey, Krenzer, Evans, Spitler, Sader, Gregory, Humke, Dini, Price, Haller, Arberry, Wong, Bennett and Wendell Williams. 200.

373....Makes appropriation to department of education for adult literacy program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Garner and Wendell Williams. 205.

374....Authorizes public service commission of Nevada to collect fee from railroads to cover cost of safety inspections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 214.

375....Exempts certain purchases of equipment for use by local law enforcement agency from requirement of competitive bidding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 214, 604, 627, 652,* 894, 919.

376....Allows counties to impose and collect fee for protection of wildlife threatened with extinction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 214, 555, 574, 589,* 766, 840.

377....Excludes certain persons employed by local government from public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 214.

378....Requires University of Nevada System to provide free classes to certain persons who served in crisis in Persian Gulf. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 214.

379....Prohibits certain public investments in companies doing business in Republic of South Africa. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 214.

380....Provides that no domestic insurer may reinsure with group of alien insurers unless certain conditions are met and makes changes relating to subsidiaries of insurers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 217, 416, 432, 443, 457, 458,* 646, 681.

381....Provides for exemption of farm machinery and equipment from certain taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 217.

382....Revises provisions governing property tax assistance to senior citizens. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 217.

383....Makes various changes in criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 220, 358, 376, 387,* 766, 840.

384....Makes appropriation to legislative counsel bureau for cost of remodeling office building for legislative staff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 220, 847, 851, 852, 862,* 863, 1406, 1435.

385....Requires director of department of motor vehicles and public safety to render certain services of department at locations other than office of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, Wong, Anderson, Wendell Williams, Gibbons, Stout, Marvel, Carpenter, Bayley, Bergevin, Goetting, McGinness, Pettyjohn, Myrna Williams, Arberry, Johnson, Norton, Bache, Haller, Porter, Elliott, Gregory, Krenzer, Bennett, Callister, Spitler, Price, Petrak, Humke, Spriggs, Heller, Freeman, McGaughey and Dini. 220, 1019, 1020, 1025, 1051,* 1527, 1540, 1569.

386....Requires establishment of kindergarten in each school district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Wong, Anderson, Wendell Williams, Gibbons, Lambert, Myrna Williams, Norton, Arberry, Bache, Sader, Haller, Gregory, Elliott, Bennett, Callister, Price, Petrak, Humke, Freeman, McGaughey and Dini. 221, 1223, 1226, 1419, 1425, 1431, 1454,* 1456, 2149, 2319.

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387....Establishes methods for prevention and detection of fraud relating to claims submitted to state industrial insurance system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 235, 642, 655, 689, 732,* 904, 919.

388....Requires department of industrial relations to develop standards for medical care of employees with industrial injuries or occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 235, 765, 780, 797, 798, 859, 878, 900,* 901, 1048, 1085.

389....Provides that unemployment benefits are payable to certain additional aliens in accordance with federal law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 235, 437, 471, 494,* 646, 681.

390....Makes mandatory existing provision regarding suspension of driver's license of juveniles who commit certain unlawful acts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 235, 696, 723, 777, 823,* 824.

391....Revises definition of permanent physical impairment for purpose of charging compensation to subsequent injury fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Krenzer, Wong, Scherer, Heller, Anderson, Freeman, McGaughey, Elliott, Johnson, Giunchigliani, Myrna Williams, Callister, Petrak, Gregory, Bennett, Kerns, Wendell Williams, Little, Gibbons, Arberry, Norton, Carpenter, Pettyjohn, McGinness, Porter, Humke, Haller, Evans, Marvel, Stout, Garner and Spriggs. 235, 236, 555, 575, 704, 732, 769, 777, 850, 851,* 921, 952.

392....Requires state industrial insurance system to develop and carry out performance standards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Krenzer, Wong, Scherer, Heller, Anderson, Freeman, McGaughey, Elliott, Lambert, Bergevin, Johnson, Spitler, Giunchigliani, Myrna Williams, Porter, Callister, Gregory, Bennett, Petrak, Little, Gibbons, Arberry, Norton, Carpenter, McGinness, Pettyjohn, Bache, Humke, Haller, Evans, Marvel, Stout, Garner and Spriggs. 236, 920, 928, 959,* 1336, 1339, 1416.

393....Requires University of Nevada System to provide free classes to certain persons who served in crisis in Persian Gulf. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wendell Williams, Dini, Gibbons, Arberry, Porter, Bayley, Norton, Carpenter, Anderson, Petrak, Hardy, Gregory, Johnson, Elliott, Sader, Scherer, Price, Humke, Heller, Bache, Pettyjohn, Giunchigliani, Spitler, Haller, Spriggs, Kerns, Wong, Bennett, Evans, Krenzer, Stout, Garner, Little, McGinness, Goetting, Bergevin, Myrna Williams, Freeman, Callister, Marvel and McGaughey. 236, 513, 525, 531, 532, 536, 2143, 2181,* 2205.

394....Authorizes Colorado River commission to issue bonds to contribute toward cost of additional powerplant at Hoover Dam. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 264, 430, 442, 458,* 766, 840.

395....Makes supplemental appropriation to department of military for additional expenses relating to benefits for members of Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 273, 1056, 1059, 1072,* 1073, 2002, 2066.

396....Makes supplemental appropriation to commission on economic development for additional expense of three quick start job training programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 273.

397....Makes supplemental appropriation to state library and archives for additional expenses for utilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 273, 599, 610, 616,* 856, 892.

398....Makes supplemental appropriation to state department of education for additional expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 273, 847, 851, 854, 878,* 879, 1161, 1182, 1219.

399....Makes supplemental appropriation to health division of department of human resources for additional vaccines required for school children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 273, 534, 547, 559,* 766, 840.

400....Makes appropriation to health division of department of human resources for purchase of new and replacement equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 274, 1309, 1325, 1326, 1337,* 1589, 1661

401....Makes appropriation to University of Nevada System for acquisition and installation of computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 274, 2266, 2268, 2281,* 2288, 2297.

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402....Makes appropriation to the Nevada historical society for purchase and installation of compact shelves. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 274.

403....Makes various changes relating to museums and history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 274, 1590, 1609, 1688,* 1691, 2279, 2285.

404....Makes supplemental appropriation to department of motor vehicles and public safety for additional expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 274, 640, 656, 690,* 894, 919.

405....Prohibits retaliatory action against state officer or employee who discloses improper governmental action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 274.

406....Makes various changes to provisions governing taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 275, 1526, 1530, 1532, 1574,* 1575, 2080, 2083, 2148.

407....Allows private insurers to provide industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 275.

408....Abolishes practice of referring certain industrial insurance matters to medical review board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 276, 696, 727, 777, 823,* 824, 921, 952.

409....Clarifies authority of hearing officers to decide contested claims when employer is covered under private disability insurance plan. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 276, 475, 492, 506, 507,* 595, 612.

410....Makes various changes concerning industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 276, 765, 780, 797, 920, 928, 931, 956, 961, 989, 995, 1016, 1018, 1019,* 1020.

411....Authorizes each county to establish program to allow senior citizens to pay property taxes through provision of services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Garner, Wendell Williams, Dini, Porter, Bennett, McGaughey, Lambert, Hardy, Haller, Carpenter, Spriggs, Anderson, Scherer, Gregory, Kerns, Johnson, Gibbons, Petrak, Myrna Williams, McGinness, Bayley, Freeman, Spitler, Callister, Arberry, Evans, Sader, Humke, Goetting, Bache, Pettyjohn, Heller, Norton, Giunchigliani, Marvel, Stout, Elliott, Wong and Krenzer. 277.

412....Makes various changes to provisions governing administration of mental health and mental retardation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 289.

413....Revises provision requiring county hospital to give notice of admission of resident of another county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 290, 595, 610, 616,* 1406, 1541, 1569.

414....Makes appropriation for program of nutrition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 290, 595, 610, 611, 1617, 1620, 1622, 1688, 1690,* 1691, 2149, 2319.

415....Authorizes collective bargaining on behalf of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 290.

416....Authorizes department of human resources to establish program and adopt regulations for provision of early intervention services for infants and toddlers with developmental delays and their families. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 290, 595, 610, 611.

417....Makes various changes relating to campaign practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Scherer, Sader, Gregory, Porter, Johnson, Hardy, Petrak, Anderson, Carpenter, Bayley, Wendell Williams, Gibbons, Heller, Haller, McGinness, Lambert, Myrna Williams, Pettyjohn, Callister, Bergevin, McGaughey, Garner, Price, Humke, Dini, Marvel, Goetting, Wong, Stout, Spitler, Norton, Giunchigliani, Arberry, Krenzer, Bennett, Little and Freeman. 291, 1127, 1132, 1136, 1162, 1190, 1194, 1247,* 1251, 1915, 1938, 2000.

418....Creates office for collection and enforcement of tax on controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Arberry, Spitler, Humke, Callister, Marvel, McGinness, Goetting, Giunchigliani, Heller, Myrna Williams, Stout, Porter, Wendell Williams, Kerns, Johnson, Anderson, Bache, Norton, Haller, Bennett, Petrak, Krenzer, Freeman and Gibbons. 310.

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419....Requires certain owners of fleets of motor vehicles to purchase or lease vehicles that use alternative fuel and requires use in certain counties of device to prevent release of vapors while motor vehicle is being fueled. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Callister, Porter, Evans, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Arberry, Sader, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Bayley, Haller, Scherer, McGinness, Spitler, Humke, McGaughey, Garner, Little, Stout, Elliott, Giunchigliani, Carpenter, Dini, Hardy, Heller and Myrna Williams. 316.

420....Revises determination of residency for purposes relating to care of indigent person. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 316, 1180, 1181, 1182, 1223, 1338, 1342, 1418, 1574, 1579, 1615,* 1616, 2002, 2066.

421....Makes various changes to provisions governing protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 316, 1408, 1409, 1410, 1420,* 1423, 1718, 1846.

422....Makes various technical amendments to Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 327, 638, 657, 690,* 1048, 1101, 1146.

423....Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 327, 638, 662, 690,* 1438, 1480, 1525.

424....Revises provisions governing categories of gaming licensees whose financial statements must be audited. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 328, 565, 582, 600,* 1718, 1816, 2002, 2009, 2284, 2288.

425....Makes various changes concerning determination of gross revenue of gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 328, 490, 500, 527,* 1242, 1287.

426....Revises jury instruction in criminal actions concerning reasonable doubt. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 328, 383, 411, 426,* 646, 681.

427....Revises fees for conducting off-track pari- mutuel wagering on racing and provides for disposition of certain evidence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 328, 1188, 1195, 1197, 1247, 1248,* 1251, 1527, 1586, 1607.

428....Makes various changes relating to regulation of gaming. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 328, 981, 987, 989, 1040,* 1042, 1527, 1546, 1819, 1820, 1919, 2003, 2098.

429....Makes various changes to provisions governing determination of mental condition of defendant for certain criminal proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 329, 565, 583, 600,* 1453, 1505, 1548.

430....Makes appropriation to Carson City Children's Museum for repair and refurbishing of civic auditorium for children's museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Elliott. 329.

431....Imposes various excise taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Elliott. 329.

432....Imposes tax on promoter of certain productions and on person who receives admission fee for exhibiting certain productions on closed-circuit telecast or motion picture. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Elliott. 329.

433....Incorporates City of Pahrump by charter. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Spriggs. 330, 903, 907, 908, 926,* 927, 1290, 1301, 1307.

434....Makes appropriation to health division of department of human resources for pilot programs concerning sickle cell anemia. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Arberry and Wendell Williams. 330, 2092, 2093, 2128, 2130,* 2131, 2297.

435....Clarifies provision governing monthly fee for state gaming license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 330, 416, 432, 443, 458,* 1290, 1307.

436....Expands powers of certain town boards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 338.

437....Makes appropriation to department of motor vehicles and public safety for expenses relating to repair and improvement of offices of investigation division in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 345, 1576, 1578, 1580, 1615,* 1616, 2024, 2098.

*No.* *Summary, Introducer and Page Reference*

438....Makes supplemental appropriation to department of museums and history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 345, 847, 851, 852, 878, 879,* 1122, 1158.

439....Makes appropriation to state board of examiners to restore balance of certain funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346, 640, 664, 690,* 921, 952.

440....Makes appropriation to department of motor vehicles and public safety for improvement of facilities and acquisition of equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346, 1831, 1833, 1895,* 1896, 2304, 2305.

441....Makes appropriation to department of parole and probation for development and installation of centralized data base system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346.

442....Makes appropriation for improvement of park facilities and authorizes delay in certain expenditures for recreational planning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346, 1974, 1979, 1986, 2015, 2017,* 2018, 2149, 2319.

443....Makes appropriation to department of the military for repair of certain armories. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346, 1664, 1667, 1668, 1725,* 1729, 2149, 2319.

444....Makes appropriation to office of the governor for computer hardware. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 346, 1415, 1420,* 1423, 2024, 2098.

445....Makes appropriation to University of Nevada System to match federal money for phase 2 of program to stimulate competitive research. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 347.

446....Makes appropriation to division of plant industry of state department of agriculture for vehicle and support equipment for transportation of weights and measures statewide. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 347, 1335, 1338, 1343, 1420, 1421,* 1423, 1718, 1846.

447....Makes appropriation to division of forestry of state department of conservation and natural resources for purchase of certain equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 347, 1309, 1325, 1326, 1407,* 1408, 1718, 1846.

448....Makes supplemental appropriation to office of the attorney general for additional litigation expenses related to high- level radioactive waste repository. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 347, 640, 665, 690, 802, 825, 826,* 1290, 1307.

449....Authorizes operation of charitable lotteries and provides for their regulation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Haller, Freeman, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Price, Gibbons, Giunchigliani, Goetting, Heller, Johnson, McGinness, Krenzer, Norton, Sader, Hardy, Humke, Scherer, Lambert, Spriggs, Porter, Little, Wendell Williams, Gregory, Wong, McGaughey, Kerns, Myrna Williams, Spitler, Marvel and Pettyjohn. 347, 1336, 1338, 1344, 1421, 1454,* 1456, 2132, 2177, 2270, 2271, 2284, 2289.

450....Authorizes administrator of manufactured housing division of department of commerce to impose fines for violations of laws concerning mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 351, 696, 730, 751,* 1406, 1435.

451....Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 351, 696, 730, 751,* 1527, 2126, 2257, 2271, 2289, 2291.

452....Allows tenants of mobile home park option to purchase park under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 352.

453....Requires continuing education of managers and assistant managers of certain mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 352, 696, 730, 751,* 1438, 1700, 1817.

454....Makes various changes to provisions governing wholesale distribution and taxation of cigarettes and other products made from tobacco. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 352, 1965, 1966, 1967, 2015, 2017, 2091, 2093, 2095,* 2096, 2270, 2286.

*No.* *Summary, Introducer and Page Reference*

455....Makes various changes concerning control of floods. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 354, 604, 627, 652,* 1290, 1451, 1527, 1539, 1696, 1718, 1890.

456....Authorizes state department of conservation and natural resources to issue general permit for discharge of pollutants into water and injection of fluids through well. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 354, 696, 730, 1489, 1493, 1528,* 2002, 2066.

457....Establishes certain conditions to factfinding in collective bargaining between local governments and police officers and firemen they employ. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 358.

458....Revises qualifications of manager of state public works board and his deputies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 358, 686, 700, 802, 821, 857, 926, 928, 959,* 1290, 1307.

459....Makes various changes relating to local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 358, 713, 741, 823, 982, 986,* 1304, 1334.

460....Establishes commission to regulate mobile home parks. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Petrak, Arberry, Porter, Bache, Garner, Norton, Wendell Williams, Haller, Johnson, Anderson, Gibbons, Spitler, Bennett, Krenzer, Wong, Price, Giunchigliani, Freeman, Sader, Scherer, Myrna Williams, Goetting, Bayley, Evans, McGaughey and Little. 359, 696, 700, 709, 751, 762.*

461....Requires nonprofit corporations for hospital, medical or dental services to pay claims timely. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGaughey, Bergevin, Bayley, Krenzer, Elliott, Norton, Anderson, Hardy, Wong, Scherer, Wendell Williams, Spriggs, Gregory, Gibbons, McGinness, Marvel, Stout, Evans, Heller, Arberry, Carpenter, Garner, Spitler, Price, Haller, Pettyjohn, Bache, Lambert, Callister, Porter, Goetting, Freeman and Humke. 359.

462....Clarifies restrictions on use of money by district for control of floods. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGaughey, Bayley, Krenzer, Wong, Elliott, Norton, Hardy, Scherer, Gregory, Wendell Williams, Spriggs, Gibbons, Little, Stout, Arberry, Garner, Spitler, Price, Haller, Pettyjohn, Bache, Lambert, Callister, Porter, Goetting, Freeman and Humke. 359, 920, 928, 929, 959,* 1915, 1922, 2000.

463....Expands scope of mandatory bargaining for local government employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Arberry, Haller, Price, Evans, Gibbons, Goetting, Porter, Giunchigliani, Wong, Norton, Petrak, Wendell Williams, Anderson, Little, Callister, Elliott and Myrna Williams. 368.

464....Authorizes county fire protection district to remove fire hazard from property located within district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Johnson, Anderson, Scherer, Petrak, Little, Carpenter, Haller, Hardy, Freeman, Norton, Callister, Garner, Spriggs and Gregory. 368, 604, 627, 652,* 653, 1048, 1085.

465....Makes appropriation for assessment of need for juvenile correctional facilities and related programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 368.

466....Requires school district to inform teachers of violent pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wendell Williams, Giunchigliani, Anderson, Bache and Elliott. 369, 1075, 1079, 1081, 1125, 1128, 1129,* 1453, 1525.

467....Prohibits certain boards or commissions from issuing authorization to engage in profession or occupation without receiving evidence from applicant of required industrial insurance coverage or inapplicability of industrial insurance coverage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wong, Pettyjohn, Elliott, Krenzer, Norton, Anderson, Stout, Hardy, Goetting, Heller, McGinness, Little and Petrak. 373.

468....Creates separate commissions to plan for needs and review finances of hospitals and related facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Wong, Bennett and Scherer. 374.

469....Requires legislative committee on health care to review regulations relating to licensing of certain practitioners of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 378, 995, 997, 1008, 1040,* 1041, 1042, 1453, 1525.

470....Designates executive directors of commissions on economic development and tourism as serving respectively at pleasure of governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 384, 645, 679, 710.*

*No.* *Summary, Introducer and Page Reference*

471....Authorizes interim finance committee to make special distribution from contingency fund to local governments for defense of interstate water litigation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 387, 1458, 1460, 1500,* 1505, 2149, 2168, 2319.

472....Requires treatment of alcoholic or abuser of drugs upon conviction for driving under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 395.

473....Allows placement of probationers in residential confinement in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Select Committee on Corrections. 395, 546, 547, 645, 679, 691,* 921, 952.

474....Allows placement of parolees in residential confinement in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Select Committee on Corrections. 395, 546, 547, 645, 679, 691,* 921, 952.

475....Makes various changes relating to campaign practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 408, 1187, 1195, 1198, 1248,* 1251, 1915, 1940, 2000.

476....Makes various changes relating to facilities of public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 409.

477....Limits manner in which landlord of mobile home park may interrupt utility service for nonpayment of charges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Norton, Bennett, Petrak, Garner, Little, Gregory, Scherer, Elliott, Anderson and Porter. 409, 696, 731, 762,* 1048, 1085.

478....Creates program for professional development of teachers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 409.

479....Makes various changes relating to low-income housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 409, 1853, 1861, 1864, 1951,* 2080, 2148.

480....Abolishes commission on economic development and creates department of economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 409.

481....Requires certain sellers of land to disclose additional easements and other authorizations affecting adjoining parcel of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 417, 1122, 1132, 1137, 1168.*

482....Creates advisory committee to study methods for removal of snow and ice from roads in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Wendell Williams, Norton, Bayley, Scherer, Carpenter, Johnson, Haller, Elliott, Bergevin, Anderson, Garner, Kerns, Freeman and Lambert. 417, 615, 641, 653,* 894, 919.

483....Increases penalty for violations of certain statutes relating to hazardous waste and provides penalty for any unlawful disposal of hazardous waste. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Freeman, Sader and Kerns. 427, 735, 736, 1087, 1097, 1107, 1154,* 1155, 1336, 1416.

484....Creates additional exemptions from execution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 435, 1050, 1056, 1059, 1091,* 1094, 1589, 1601, 1662, 1663, 1705, 1819, 1914.

485....Transfers responsibility to collect tax on insurance premiums from commissioner of insurance to department of taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, McGinness, Pettyjohn, Heller, Stout, Marvel, Bergevin, Lambert, Goetting, Little, Callister, Arberry, Giunchigliani, Spitler, Evans, McGaughey, Myrna Williams, Price, Garner and Freeman. 435, 942, 943, 944, 985.

486....Makes various changes relating to enforcement of legal rights of recipients of assistance to medically indigent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini and Myrna Williams. 450.

487....Increases fees for marriages performed by justices of the peace. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller, McGinness, Humke, Pettyjohn, Stout, Callister, Arberry, Spitler, Giunchigliani, Marvel, Bergevin, Hardy, Little, Elliott and Dini. 450, 546, 556, 576, 577,* 1290, 1299, 1307.

488....Revises description of legislative grounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 457, 766, 819, 862,* 863, 1488, 1525.

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489....Clarifies procedure for recording adjustments to boundaries of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 484, 1221, 1226, 1268, 1291, 1295, 1317, 1318,* 1915, 1923, 2000.

490....Establishes program for education of motorcycle riders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Bennett, Petrak, Anderson, Wendell Williams, Lambert, Haller, Norton, Johnson, Marvel, Sader, Myrna Williams, McGinness, Freeman, Gibbons, Little, Price, Evans, Arberry, Kerns, Giunchigliani, Carpenter, Krenzer, Elliott, Spriggs, Spitler, Goetting, Garner, Bergevin, McGaughey and Dini. 485, 1335, 1338, 1357, 1421,* 1423, 1589, 1661.

491....Revises penalties for driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter. 491, 955, 961, 970, 1017,* 1018, 1020, 2288, 2297.

492....Makes various changes relating to suspension of licensed educational employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Dini, Gibbons, Evans, Giunchigliani, Krenzer, Myrna Williams, Elliott, Little, Price, Porter, Norton, Hardy, Bache, Haller, Johnson, Sader, Freeman, Goetting, Garner, Callister, Wendell Williams, Bennett, Petrak, Carpenter, Gregory, Pettyjohn, Arberry, Spitler, Heller, Wong, Spriggs, McGaughey, Bayley, Marvel, Humke and McGinness. 492, 531, 1075, 1079, 1081, 1125,* 1453, 1525.

493....Makes appropriation to White Pine Historical Railroad Foundation for maintenance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. McGinness, Marvel, Goetting, Arberry, Bache, Bergevin, Heller, Carpenter, Humke, Stout, Dini and Callister. 492, 1961, 1962, 2003,* 2004, 2009, 2257.

494....Reduces contribution required of certain local governments for office and showroom in Taipei World Trade Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 496, 599, 610, 616.*

495....Broadens offenses punishable by civil or criminal action related to program to provide assistance to medically indigent. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 497, 719, 741, 1162, 1174, 1180, 1224,* 1225, 1589, 1661.

496....Allows release of prisoner on parole regardless of whether prisoner accepts parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. 509, 1076, 1079, 1082, 1125,* 1290, 1307.

497....Reduces minimum time to be served before prisoner is eligible for parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. 509.

498....Changes time for mandatory parole of certain offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. 509, 1044, 1045, 1046, 1051,* 1290, 1307.

499....Transfers authority for regulation of certain escrow agencies and agents from real estate division to division of financial institutions of department of commerce. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 509, 565, 582, 1853, 1861, 1867, 1951,* 2045, 2098.

500....Makes various changes relating to health care records, pharmacies, prescriptions and persons authorized to administer or dispense drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 510, 919, 1169, 1190, 1248,* 1251, 1589, 1681, 1819, 1820, 2070, 2097, 2278.

501....Provides for licensing certain pharmacies located outside Nevada and wholesale distributors of drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 510, 913, 917, 926, 927,* 1290, 1403, 1438, 1446, 1593, 1608, 1717.

502....Requires under certain circumstances justice of the peace or chairman of board of county commissioners to appoint person to serve as justice of the peace pro tempore. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 518, 638, 665, 691,* 1290, 1307.

503....Revises provisions relating to election of officers of state and county central committees of major political parties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 518, 519.

504....Requires court to consider certain aggravating factor in determining penalty for person who aided or knowingly permitted minor illegally to possess firearm. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wendell Williams, Gregory, Hardy, Krenzer, Bache, Humke, Arberry, Giunchigliani, Wong, Gibbons, Bennett, Johnson, Evans, Haller, Porter, Callister, Petrak, Price, Anderson, McGaughey, Scherer, Goetting, Lambert, Spitler, McGinness, Garner, Bayley, Carpenter and Norton. 519, 1437, 1445, 1447, 1490,* 1589, 1661.

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505....Amends charter of City of Las Vegas to change date new city council members assume office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 525, 801, 826, 838, 862,* 863, 1016, 1046.

506....Requires adjustment of supplemental city-county relief tax distribution factors of certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 535.

507....Makes various changes relating to imposition of tax on cigarettes and other products made from tobacco sold on Indian reservation or colony. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 535, 643, 666, 680, 691,* 1290, 1307.

508....Establishes requirements for school nurses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Bache, Haller and Anderson. 535.

509....Consolidates responsibility for administration of certain benefits for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 548, 1015, 1020, 1025, 1051,* 1290, 1307.

510....Makes appropriation to state public works board for Pioche railway/bicycle trail project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 548.

511....Specifies amount payable by state for group insurance for retired public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 549, 1056, 1062, 1072,* 1073, 1488, 1525.

512....Increases administrative assessment for felony or gross misdemeanor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 549, 1444, 1445, 1447, 1454,* 1455, 1456, 1589, 1661.

513....Makes various changes regarding bicycles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Ways and Means. 549, 1069, 1079, 1083, 1723, 1821,* 1822, 2149, 2319.

514....Requires development of educational program concerning bicycle safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 549, 981, 982, 1723, 1729, 1730, 1821,* 1822, 2149, 2319.

515....Requires installation of secure racks for parking bicycles at certain public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 549, 1019, 1020, 1026.

516....Directs certain planning commissions to include motor vehicle recovery and bicycle lanes in master plan and requires local governments to ensure lanes are constructed in certain cases. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 549, 1187, 1195, 1204.

517....Creates new positions to promote traffic safety and planning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 550, 1148, 1723, 1729, 1730, 1821, 1822,* 2149, 2319.

518....Allows state to impose lien against property of Medicaid recipients. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 550, 1573, 1578, 1581, 1589, 2134.

519....Regulates practice of medical imaging technologists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 550, 1169, 1174, 1224,* 1225.

520....Authorizes certain nonprofit medical corporations to engage in specified businesses with approval of commissioner of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 550, 913, 917, 919, 927,* 1290, 1307.

521....Makes various changes to provisions governing adoption. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 550, 904, 907, 909, 915,* 917, 1453, 1481, 1525.

522....Clarifies role of board for the regulation of liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Norton and McGaughey. 556, 713, 743, 823,* 824, 1048, 1101, 1146.

523....Grants limited exemption from property taxes to certain persons called to active duty in military service or who served outside of United States in connection with conflict in Persian Gulf. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 565, 693, 707, 762, 763.*

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524....Makes various changes relating to composition and duties of board for the regulation of liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 565, 713, 743, 823, 824,* 1048, 1085.

525....Advances effective date of Assembly Bill No. 102. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 566, 686, 708, 732,* 1016, 1046.

526....Makes appropriation to Churchill Arts Council, Inc., for study of feasibility of restoring Oats Park School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. McGinness and Dini. 566.

527....Creates Elko-Eureka District to Finance Construction of Schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Carpenter, Elliott, Little, Johnson, Freeman, Bergevin, Lambert, Norton, Haller, Anderson, Myrna Williams, Giunchigliani, Garner, Petrak, Bennett, Kerns, Porter, Wendell Williams, Price, Arberry, Evans, Callister, Bache, Heller, Humke, Sader, McGaughey and Spitler. 566.

528....Changes name of state industrial claimants' attorney and revises procedure for contested industrial insurance claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 581, 736, 769, 851,* 1336, 1340, 1416.

529....Increases monthly compensation of certain persons who are receiving or are entitled to receive industrial insurance benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 581, 920, 928, 930, 931, 1489, 1493, 1494, 1528, 1529, 1574,* 1575, 2080, 2084, 2148.

530....Makes various changes relating to fees collected from gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 581.

531....Exempts certain property used for low-income housing from property tax. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 581, 1898, 1899, 1972,* 1974, 2082, 2148.

532....Authorizes charitable and nonprofit organizations to conduct lotteries under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 581.

533....Repeals prospective expiration of provision relating to operation of sports pool or race book at nonrestricted operation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 582.

534....Clarifies effect of settlement of credit instrument on gross revenue of gaming licensee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 582.

535....Imposes annual assessment for development or maintenance of body of water lethal to wildlife. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 590, 2044, 2046, 2079,* 2080, 2270, 2293, 2303, 2311, 2317.

536....Makes appropriation to supreme court of Nevada for temporary relocation of Las Vegas office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 590, 1123, 1132, 1138, 1168, 1169,* 2304.

537....Makes various changes regarding increases in rates of contribution to retirement funds for public employees and post- retirement increases in benefits for retired public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 590, 1831, 1833, 1896,* 2045, 2098.

538....Provides that certain services ordered under industrial insurance must be completed, terminated or waived before claimant may elect payment of award for permanent partial disability in lump sum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wong, Stout, Pettyjohn, Little, Bennett, Krenzer, Kerns, Gibbons, Marvel, Goetting and Heller. 590.

539....Requires secretary of state to prepare voters' pamphlet before certain elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Haller, Giunchigliani, Anderson, Petrak, Johnson, Garner, Freeman, Bergevin, Sader, Bache, Arberry, Norton, Evans, Stout, Spitler, Gibbons, Wendell Williams, Porter and Bennett. 590.

540....Expands permissible use of money previously appropriated and makes additional appropriation to assist residents of Windsor Park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Arberry, Wendell Williams, Porter, Price, Humke, Callister, Evans, Anderson, Wong, Goetting, Norton, Haller, Giunchigliani, Spitler, Garner, Bache, Myrna Williams, McGaughey and Dini. 591, 1419, 1445, 2026, 2028, 2032,* 2270.

541....Requires certain state agencies to use hearing officers of hearings division of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Judiciary. 593.

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542....Delays prospective expiration of provision requiring public utilities to pay assessments for certain expenses incurred by public service commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 597, 713, 744, 777, 824,* 1070, 1119.

543....Designates "Mountain Men Ballet" as official state ballet of State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 598.

544....Makes appropriation for correctional facility for serious and chronic juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 598.

545....Allows 60 days for circulation of petition for recall of public officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 598.

546....Establishes requirements for licensing and operation of outdoor youth programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Spriggs, Arberry and Dini. 598, 2097, 2101, 2107, 2209, 2215, 2216,* 2220, 2304.

547....Makes various changes to provisions relating to existing indirect sources of air contaminants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Johnson, Anderson, Carpenter, Petrak, Scherer, Sader, Freeman, Norton, Wendell Williams, Wong, Haller, Goetting, Bache, Gregory, Bennett, Callister, Evans, Arberry and Myrna Williams. 598, 1187, 1195, 1204, 1248,* 1251, 1589, 1597, 1663, 1832, 1847, 2000.

548....Creates office of ombudsman for aging persons within division of aging services of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Myrna Williams, Evans, Wendell Williams, Norton, Spitler, Bache, Garner, Sader, Krenzer, Heller, Goetting, McGinness, Price, Marvel, Arberry, Anderson, Johnson, Haller, Bennett, Freeman, Petrak, Spriggs, Carpenter, Elliott, Gibbons, McGaughey, Hardy, Gregory, Callister, Humke, Stout, Porter and Dini. 599, 1664, 1667, 1668, 1725, 1726,* 1729, 2297.

549....Requires timely payment of money from sale of production from oil and gas wells. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 599, 735, 774, 824,* 1048, 1085.

550....Revises authority of registered nurses and makes various changes regarding filling of prescriptions and sale of hypodermic devices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 608, 1188, 1195, 1205, 1248,* 1249, 1251, 1308, 1404.

551....Provides that personal care attendants are independent contractors for purposes of industrial insurance and unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 608.

552....Requires direct billing to patient for certain cytologic examinations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 608, 939, 943, 944, 985,* 1290, 1307.

553....Makes various changes to provisions relating to gaming and supervision of gaming establishment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 608, 939, 943, 945, 985, 986,* 1527, 1546, 1569.

554....Makes various changes relating to junket representatives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 608, 894, 900, 902, 907, 910,* 1308, 1333, 1404.

555....Clarifies prohibition against person under age of 21 years from placing wagers at or collecting winnings from gambling game. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 609, 735, 774, 824,* 1290, 1307.

556....Creates position of deputy taxicab administrator. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 609, 981, 987, 1018,* 1020.

557....Makes various changes to fees charged for special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 609, 1242, 1251, 1252, 1290, 1305,* 2297, 2299, 2307, 2309, 2316, 2317, 2318, 2319.

558....Allows certain persons who teach students in junior reserve officers' training corps to be licensed as teachers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 609.

559....Authorizes certain counties to impose property tax for support of family court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 609, 2045, 2046, 2055, 2120, 2141, 2142, 2146, 2181, 2208,* 2220, 2302, 2303.

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560....Makes appropriation to department of human resources for tutorial program at Doolittle Community Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Wendell Williams and Arberry. 610, 1576, 1578, 1581, 1616,* 2149, 2319.

561....Makes various changes relating to marriage licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Johnson. 618, 1247, 1251, 1257, 1290, 1305, 1306,* 1589, 1603, 1663, 2021, 2025, 2098.

562....Increases certain fees charged by county clerks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Johnson and Petrak. 618, 1016, 1020, 1026, 1051,* 1589, 1693, 1817.

563....Allows planning commission to approve revision of certain maps. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 618, 1015, 1020, 1027, 1041,* 1042, 1589, 1667, 1717.

564....Revises provisions governing criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 618, 1016, 1020, 1027, 1051, 1054,* 1304, 1334.

565....Makes various changes concerning controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 618.

566....Requires 2-week adjournment of legislature during each regular session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 619, 939, 943, 946, 985, 1055, 1056,* 1308, 1330, 1418, 1419, 1548, 1571, 2213, 2235.

567....Makes various changes relating to utility projects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Myrna Williams, Dini, Anderson, Freeman, Norton, Elliott, Carpenter, Wong, Kerns, Giunchigliani, Garner, Porter, Evans, Sader, McGaughey, Lambert, Callister and Spitler. 619, 954, 961, 976, 1018,* 1020, 1453, 1484, 1525.

568....Revises charter of City of Reno to require election of certain councilmen by voters in their respective wards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Johnson, Sader, Lambert, Gibbons, Freeman, Kerns, Humke, Evans, Anderson and Elliott. 619, 1150, 1155, 1156, 1170, 2133.

569....Increases license fee based upon gross revenue of gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 619.

570....Revises certain dates relating to payment of tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 619, 680, 686, 710,* 1290, 1307.

571....Clarifies provision relating to filing of application for increased rate, fare or charge by public utility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Norton, Bache, Gibbons and Anderson. 636, 954, 961, 977, 1018,* 1020, 1290, 1307.

572....Makes appropriation from emergency fund of supplemental city-county relief tax to Elko County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Carpenter. 636, 1576, 1578, 1581, 1616,* 2288.

573....Creates exception to requirements for competitive bidding for purchases made with money in store fund for prisoners in jail or local detention facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 636, 841, 851, 852, 862, 863,* 1290, 1299, 1307.

574....Revises provisions governing use by cities of proceeds from supplemental city-county relief tax and tax on revenues from rental of transient lodging. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 636, 1704, 1705, 1822,* 2257.

575....Broadens permissible operation of golf carts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 636, 1335, 1338, 1360, 1421, 1422,* 1423, 2257, 2264.

576....Provides for granting of administrative leave with pay to certain public employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 636, 1125, 1132, 1138, 1170,* 1589, 1661.

577....Makes various changes relating to provision and costs of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 636, 1180, 1181, 1182, 1223, 1243, 1249, 1265, 1272, 1274,* 1279, 1718, 1924, 2016, 2074, 2236, 2279.

578....Makes various changes relating to bail. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 636, 981, 987, 1041,* 1042, 1527, 1544, 1569.

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579....Prohibits manufacture, purchase, possession, sale, transportation and advertisement for sale of hoax bomb. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Goetting, Dini, Marvel, Price, McGinness, Giunchigliani, Heller, Spitler, Myrna Williams, Stout, Humke, Evans, Petrak, Bennett, Krenzer, Kerns, Bache, Bayley, Freeman, Hardy, Bergevin, McGaughey, Spriggs, Elliott, Little, Norton, Anderson, Gibbons, Wong, Gregory, Johnson, Arberry, Garner and Sader. 636, 1016, 1020, 1028, 1054,* 1308, 1404.

580....Requires that prevailing wage must be paid on certain development projects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Arberry, Wendell Williams, Evans, Porter, Bache, Petrak, Bennett, Norton, Anderson, Myrna Williams, Haller, Garner, Giunchigliani, Freeman, Wong, Sader and Goetting. 643, 1289, 1290, 1292, 1304, 1554, 1722, 1727, 1854, 1951, 2004,* 2009, 2149, 2319.

581....Requires informed consent of patient before performing procedure to insert implant in breast. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Arberry, Wendell Williams, Evans, Bache, Petrak, Bennett, Norton, Anderson, Heller, Myrna Williams, Haller, Garner, McGaughey, McGinness, Scherer, Stout, Elliott, Bayley, Little, Krenzer, Giunchigliani, Freeman, Wong, Lambert, Goetting and Humke. 643, 1408, 1409, 1422,* 1423, 2002, 2066.

582....Limits time for commencement of civil or criminal action relating to violation of labor laws. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, McGaughey, Carpenter, Johnson, Kerns, Stout, Pettyjohn, Bayley, Petrak, Elliott, Norton, Price, Garner, Spitler, Gregory, Wong, Wendell Williams, Goetting, Spriggs, Marvel, Humke, McGinness, Heller, Lambert and Myrna Williams. 653, 1160, 1174, 1175, 1223.

583....Authorizes peace officer to have representative person present during interrogation that could lead to disciplinary action against officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Petrak, Stout, Price, Elliott, Little, Anderson, Scherer, Spitler, Johnson, Gregory, Bennett, Hardy, Wong, Kerns, Bergevin, Norton, Haller, Bayley, Porter, Spriggs, McGinness, McGaughey, Lambert, Bache, Pettyjohn, Callister, Evans, Arberry, Myrna Williams, Marvel, Goetting, Heller, Humke and Carpenter. 653, 841, 851, 852, 863,* 1290, 1307.

584....Protects pasture fences from adjacent development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Petrak, Freeman, Stout, Price, Little, Giunchigliani, Anderson, Johnson, Wong, Norton, Bergevin, Haller, Wendell Williams, Porter, Spriggs, McGinness, McGaughey, Bache, Pettyjohn, Callister, Evans, Arberry, Myrna Williams, Marvel, Sader, Goetting, Heller, Humke and Carpenter. 654, 1087, 1097, 1109, 1154,* 1155, 1589, 1597, 1661.

585....Makes various changes relating to irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness, Dini and Marvel. 654, 1221, 1226, 1232, 1269,* 1279, 1550, 1561, 1587.

586....Makes various changes relating to practice of veterinary medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 654, 2011, 2012, 2026, 2028,* 2029, 2150, 2319.

587....Authorizes lease of land in Floyd R. Lamb State Park for zoological and botanical exhibits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goetting, Price, Dini, Haller, Kerns, Krenzer, Wong, Bergevin, Garner, Bennett, Stout, Marvel, McGinness, Arberry, Humke, Spitler, Bayley, Pettyjohn, Anderson, Hardy, Norton, Scherer, Heller, Spriggs, Giunchigliani, Myrna Williams, Little, Elliott, Carpenter, Petrak, Johnson, Gregory, Wendell Williams, Evans, Callister, Porter, Sader, Freeman, McGaughey, Lambert, Bache and Gibbons. 654, 954, 961, 977, 1018,* 1162.

588....Imposes certain restrictions and requirements upon care, sale and killing of animals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Stout, Petrak, Carpenter, Spitler, Norton, Gregory, Porter, Johnson, Elliott, Gibbons, Humke, McGaughey, McGinness, Pettyjohn, Myrna Williams, Marvel, Price, Bergevin, Garner, Kerns, Krenzer, Goetting, Wong, Little, Scherer, Heller and Giunchigliani. 655.

589....Requires establishment of program of intensive supervision for rehabilitation of certain criminal offenders in community. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. 666.

590....Provides for preservation and promotion of cultural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 680, 1162, 1174, 1175, 1224, 1269,* 1279, 1915, 2000.

591....Makes various changes relating to manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 680, 1336, 1338, 1360, 1422,* 1423, 1589, 1700, 1817.

592....Redefines "small mining operation" for purposes of mining reclamation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 681, 1417, 1424, 1428, 1455,* 1456, 2080, 2085, 2148.

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593....Requires legislative auditor to conduct performance audit of international program of commission on economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 684.

594....Creates presumption that incompetent person desires certain life-sustaining procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Little, Stout, Goetting, Petrak, Heller, Pettyjohn, Spriggs, Wong, Scherer, Garner, Haller, Bayley, Price, McGaughey and Carpenter. 684, 685.

595....Requires humane disposal of aborted embryo or fetus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Little, Goetting, Pettyjohn, Spriggs, Wong, Haller, Bayley, Norton, Anderson, Stout, Petrak, Marvel, Gregory, Price, McGaughey and Carpenter. 685.

596....Authorizes issuance of temporary license to physician to practice in connection with rural hospital. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGinness, Marvel, Carpenter, Bergevin, Dini, Spriggs, Elliott and Heller. 685.

597....Clarifies inapplicability to prison facilities of certain restrictions on smoking. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Haller, Anderson, Gibbons, Petrak, Norton, Wong, Bergevin, Johnson, Stout, Bennett, Elliott, Sader, Humke, McGaughey, McGinness, Hardy, Pettyjohn, Arberry and Price. 685, 1573, 1578, 1582, 1614, 1618, 1620, 1690,* 1691, 2002, 2066.

598....Requires state welfare administrator to calculate standard of need and pay benefits for aid to dependent children according to schedule. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 686, 995, 997, 1009, 1016.

599....Assigns primary and secondary liability of insurers for damage caused by motor vehicle under short-term lease. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 687.

600....Provides exception to requirement that assets of domestic insurer must be kept within Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 687, 920, 928, 931, 959,* 1290, 1307.

601....Prohibits law enforcement agency from contracting with person convicted of felony to engage in transportation of vehicles by use of tow car. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 687.

602....Provides that under certain circumstances, fire protection district and not state fire marshal may require inspection of construction projects in district and enforce fire protection regulations with respect thereto. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bergevin, Carpenter and Marvel. 687.

603....Allows local governments to conduct special elections on bond issues by mail. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bergevin, Sader, Carpenter, Marvel, Gibbons and Price. 688.

604....Authorizes Indian reservations and colonies to tax motor vehicle and special fuels. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 688.

605....Requires parole for prisoner who is statutorily eligible and whose death is imminent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 688.

606....Makes various changes to provisions governing adoption. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Little, Garner, Petrak, Bennett, Elliott, Kerns, Porter, Price, Marvel, Spriggs, Heller, Scherer, Norton, McGinness, Pettyjohn, Bergevin, Callister, Anderson, Lambert, Freeman, Johnson, Wendell Williams, Gregory, Gibbons, Myrna Williams, Carpenter, McGaughey and Hardy. 688, 1016, 1020, 1029, 1054,* 1527, 1543, 1819, 1820, 1907, 2003, 2098.

607....Requires medical facility, facility for dependent or division facility to forward copy of medical records of certain patients. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Giunchigliani, McGinness, Arberry, Wendell Williams, Price, Humke, Bergevin, Spriggs, Porter, McGaughey, Sader and Callister. 688, 2086, 2088, 2089,* 2092, 2257, 2261.

608....Revises definition of statutory sexual seduction. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 700, 920, 928, 931, 941,* 1308, 1404.

609....Requires third and fourth evidentiary test to determine percentage of alcohol in person's blood or breath if two samples of breath do not approximately agree. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 700, 939, 943, 947, 959, 960,* 1488, 1525.

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610....Authorizes certain cooperative agreements between public agencies of this state and Indian tribes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 700.

611....Directly removes insurer's right to subrogation against underinsured motorist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 701, 1130, 1132, 1138, 1170,* 1336, 2096, 2148.

612....Makes various changes to provisions governing juvenile offenders and children in need of supervision. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache. 701, 2002.

613....Requires registration with commissioner of insurance of persons who provide utilization review. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 701, 1188, 1195, 1213, 1249,* 1251, 1308, 1404.

614....Requires state communications board to provide statewide telephone number for emergencies and to coordinate all emergency services offered by telephone. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 701.

615....Expand eligibility for coverage under state plan for assistance to medically indigent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 701.

616....Makes various changes relating to effect of regulation on hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 702.

617....Creates program for compensation of neurological injuries related to birth. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 702.

618....Requires commissioner of insurance to establish risk pool for persons who are medically uninsurable. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 702.

619....Authorizes board of regents of University of Nevada System and health division of department of human resources to establish genetics program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 702, 1151, 1152, 1617, 1620, 1656, 1690,* 1691, 2149, 2319.

620....Requires state to pay for health insurance for certain medically indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 702, 703.

621....Regulates review of health care by third-party payers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 703.

622....Revises provision relating to medical examination of person who is alleged to be mentally ill. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 703.

623....Authorizes certain employees of mental hygiene and mental retardation division of department of human resources to administer medication to clients at division facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 703.

624....Provides for increased safety in schools and surrounding areas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Hardy, Gregory, Wendell Williams, Scherer, Humke, Gibbons, Johnson, Bennett, Bergevin, Pettyjohn, Bayley, McGinness, Heller, Arberry, Elliott, Petrak, Wong, Haller, Carpenter, Kerns, Little, Porter and Stout. 703.

625....Increases penalty for assault or battery upon school employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Gregory, Scherer, Hardy, Heller, Elliott, Carpenter, Wong, Kerns, Petrak, Krenzer, Stout, Price, Garner, Little, Giunchigliani, Anderson, Norton, Bache, Spitler, Johnson, Bennett, Bergevin, Porter, Haller, Bayley, Spriggs, Marvel, Callister, Arberry, Evans, Gibbons, Wendell Williams, Goetting, Pettyjohn, Lambert, Humke, McGinness, McGaughey, Myrna Williams and Dini. 703, 704, 859, 865, 872, 879,* 1290, 1307.

626....Makes mandatory suspension of pupil found in possession of dangerous weapon in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gregory, Johnson, Hardy, Petrak, Bayley, Carpenter, Elliott, Scherer, Norton, Bergevin, Wong, Bennett, Krenzer, Garner, Porter, Haller, Anderson, Wendell Williams, Bache, Little, McGaughey, Spitler, Giunchigliani, Humke, Pettyjohn, Goetting, Myrna Williams, Heller, Freeman, Lambert, Callister, Evans, Arberry, Price, Gibbons, Stout, Marvel and Dini. 704, 876, 880, 891, 897,* 900, 1290, 1307.

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627....Requires state land registrar to notify governing body of county or city before sale, lease or transfer of state land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Norton, Bergevin, Little, Pettyjohn, Elliott, Scherer, Bayley, Heller, Petrak, Haller, Goetting, Bache, Lambert, Garner, Wong, Johnson, Humke, McGaughey, Evans, Porter, Bennett, Carpenter, Stout, Arberry, Callister, Giunchigliani and Price. 711, 1418, 1424, 1428, 1455,* 1456, 1915, 1924, 2000.

628....Limits circumstances under which illness related to stress may be compensated as occupational disease. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 711, 1088, 1097, 1109.

629....Allows nonprofit corporation to reject industrial insurance coverage for its officers who do not receive pay. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 711, 1121, 1132, 1139, 1170,* 1308, 1404.

630....Revises provisions relating to industrial insurance payments to nonresident alien dependents. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 712, 1148, 1161, 1174, 1177, 1224,* 1225, 1308, 1404.

631....Makes various changes relating to local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 715, 1122, 1132, 1139, 1170, 1171,* 1589, 1598, 1893, 1916, 2004,* 2009, 2024, 2098.

632....Increases limit on annual expenditures by special districts which may petition for exemption from certain requirements of Local Government Budget Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 715, 875, 880, 891, 897,* 900, 1303, 1334.

633....Revises provision governing use of money in emergency fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 715, 716, 1069, 1079, 1083, 1091.

634....Allows public agency to provide public records to general public by means of computers and related systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 716, 1048, 1056, 1062, 2134.

635....Requires transfer of all accumulated sick leave of employee of school district who takes position with another school district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 716, 1015, 1020, 1030, 1054, 1055,* 1453, 1525.

636....Revises provisions concerning payment of claims relating to certain policies, contracts and plans of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bennett, Garner, McGaughey, Kerns, Krenzer, Johnson, Hardy, Norton, Wong, Scherer, Arberry, Spriggs, Lambert, Porter, Elliott, Petrak, Myrna Williams, Callister and Spitler. 716, 1050, 1056, 1063, 1091, 1154,* 1155, 1589, 1700, 1817.

637....Authorizing establishment of program for advance payment of tuition, room, board and fees at community college or university in University of Nevada System. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Haller, Bennett, Wong, Garner, Bache, Carpenter, Elliott, Marvel, Bayley, Gregory, Johnson, Dini, Humke, McGaughey, Evans, Petrak, McGinness, Anderson, Scherer, Bergevin, Giunchigliani, Goetting, Spitler, Norton, Arberry, Price, Krenzer and Heller. 716, 1091, 1097, 1110, 1154,* 1155.

638....Prohibits open burning of leaves. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bache. 717.

639....Amends chapter 258, Statutes of Nevada 1991, to advance its effective date. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hardy, Scherer, Gregory, Arberry, Petrak, Bennett, Elliott, Carpenter, Gibbons, Heller, Stout and Porter. 717, 1816, 1820, 1896,* 2024, 2098.

640....Imposes surcharge on forms for certain inspection stations for reimbursement of cost of special nozzles to recover vapor from motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Kerns, Evans, Anderson, Marvel, Freeman, Gibbons, Haller and Johnson. 717, 1251, 1259, 1290, 1304, 1854, 1859, 1863, 1896, 1972.*

641....Abolishes commission for the bicentennial of the United States Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price, Anderson, Bennett, Wong, Garner, Bache, Elliott, Haller, Marvel, Johnson, Dini, Humke, McGaughey, Evans, Petrak, Stout, Callister, Norton, Pettyjohn, Goetting, Freeman, Arberry, McGinness, Gibbons, Wendell Williams and Myrna Williams. 717, 1559, 1560, 1563, 1590, 1591,* 2082, 2083, 2148.

642....Repeals certain provisions which prohibit monopolies by insurance companies to allow federal antitrust laws to apply. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 722.

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643....Provides for alternate methods of obtaining license to teach in Nevada and allows nonacademic course of study to be used to qualify for graduation from high school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer. 736.

644....Requires planning commission or governing body to review certain criteria before granting change in zoning. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Scherer, Johnson, Petrak, Gibbons, Bennett, Bayley, Garner, McGaughey, Lambert, Haller, Hardy, Heller, Wong, Krenzer, Bache, Norton and Gregory. 737.

645....Prohibits "redlining" by financial institution in making certain types of loans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams, Arberry, Porter, Carpenter and Price. 737.

646....Makes various changes relating to discrimination against persons with physical and mental disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Krenzer, Wong, Bennett, Gibbons, Petrak, Elliott, Johnson, Heller, Spriggs, Gregory, McGaughey, Pettyjohn, Haller, Norton, Bayley, Bache, Dini, Porter, Hardy, Sader, Bergevin, Lambert, Spitler, Myrna Williams, Carpenter, Anderson, Garner, Freeman, Callister, Giunchigliani, McGinness, Kerns, Wendell Williams, Humke, Evans, Arberry, Marvel and Price. 737, 1122, 1132, 1141, 1171,* 1527, 1569.

647....Makes various changes concerning planning and zoning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 747, 1503, 1505, 1511, 1528, 1529, 1530, 1560, 1565,* 1566, 2002, 2066.

648....Provides that board of county commissioners of Washoe County are ex officio members of Regional Water Planning and Advisory Board of Washoe County and makes various changes relating to board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 747, 1503, 1505, 1518, 1551, 1560, 1565,* 1566, 2002, 2066.

649....Prohibits advertising of services relating to packing, loading or moving goods of another without certificate of public convenience and necessity or contract carrier permit. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 766.

650....Authorizes short-term lessor of passenger car to recover for damages to car under certain conditions by processing charge on lessee's credit card. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 767, 1048, 1056, 1067, 1073,* 1550, 1703, 1817.

651....Requires lobbyists to provide additional information in registration statements and monthly reports. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Dini, Sader, Johnson, Wong, Gibbons, Marvel, Bergevin, Freeman, Goetting, Lambert, Pettyjohn, Anderson, Humke, Krenzer, Bennett, Petrak, Hardy, Scherer, Bache, McGaughey, Wendell Williams, Elliott, Heller, McGinness, Bayley, Carpenter, Haller, Norton, Stout, Little, Evans, Spriggs, Giunchigliani, Gregory, Arberry, Callister, Spitler, Kerns, Garner, Myrna Williams and Porter. 767, 1723, 1729, 1730, 1854.*

652....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Legislative Functions and Elections. 767, 1438, 1445, 1447, 1490,* 1491, 2024, 2038, 2097, 2126, 2245, 2279.

653....Changes time for cancellation of affidavit of registration to vote for failure to vote from 2 years to 4 years. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 767, 768.

654....Delays dates for adopting final budgets, setting tax rates and payment of first quarterly installment of property taxes for fiscal year 1991-1992. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 768, 901, 903, 907, 910,* 1048, 1068.

655....Revises law governing corporations and similar organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 768, 1087, 1097, 1110, 1155,* 1453, 1482, 1571, 1572, 1697, 1819, 1914.

656....Expands civil liability for shoplifters and imposes civil liability against person who is convicted of larceny or other crime involving property damage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 775.

657....Makes various changes relating to termination of employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Freeman, Giunchigliani, Wendell Williams, Little, Petrak, Porter, Arberry, Evans, Garner, Myrna Williams, Norton, Anderson, Bache and Haller. 779, 780, 2310.

658....Denies appeal to plaintiff in action in small claims court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 799.

659....Requires certain provisions to be included in order or decree for custody of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 799.

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660....Establishes committee on efficiency in state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Pettyjohn, Goetting, Scherer, Kerns, Bayley, Anderson, Lambert, Hardy, Heller, Price, Humke, Little, Garner, Carpenter, Stout, Marvel, Gibbons, Arberry, Elliott, Bennett, Gregory, Petrak, Krenzer, Wong, Johnson, McGaughey, Spitler, McGinness, Haller, Bergevin, Spriggs, Norton, Evans, Porter, Sader and Dini. 803, 1550, 1554, 1555, 1589, 1615, 1622.*

661....Makes appropriations to Clark and Washoe counties for fairgrounds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Pettyjohn, Hardy, Scherer, Bayley, Price, Humke, McGinness, Garner, Stout, Marvel, Gibbons, Arberry, Elliott, Petrak, Wong, McGaughey, Spitler, Haller, Lambert, Bergevin, Anderson, Heller, Spriggs, Norton, Carpenter, Evans, Goetting and Dini. 803, 2279, 2280, 2282,* 2288, 2307, 2309.

662....Prohibits credit reporting agency from including in credit report reference to bad debt if debt has been paid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Bayley, Wendell Williams, Price, Stout, Carpenter, Elliott, Little, Garner, Spriggs, Bache, Norton, Petrak, Scherer, Kerns, Haller, Wong, Bennett, Gregory, Hardy, Myrna Williams, Spitler, Lambert, Freeman, Gibbons, Johnson, McGaughey, McGinness, Pettyjohn, Anderson, Humke, Giunchigliani, Goetting, Sader, Evans, Marvel and Dini. 803.

663....Requires certain insurers to offer operators' policies of liability insurance for ownership, maintenance or use of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Porter, Wendell Williams, Price, Callister, Spitler, McGaughey, Sader, Stout, Elliott, Garner, Heller, Bache, Norton, Petrak, Bennett, Wong, Lambert, Haller, Myrna Williams, Humke, Gibbons, Giunchigliani, McGinness, Anderson, Goetting, Pettyjohn, Krenzer, Marvel, Johnson, Kerns, Evans and Dini. 804.

664....Requires proposal for project of redevelopment to include employment plan. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry and Wendell Williams. 804, 1335, 1338, 1363, 1422,* 1423, 2132, 2231, 2319.

665....Makes various changes relating to rights of employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Freeman, Arberry, Wendell Williams, Anderson, Bache, Petrak, Little, Porter and Giunchigliani. 826.

666....Authorizes industrial insurer to contract for preferred provision of services or goods. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 826.

667....Prohibits discrimination in employment based upon lawful activity during nonworking hours. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 827, 1038, 1043, 1044, 1073,* 1453, 1486, 1525.

668....Makes various changes relating to industrial insurance coverage of real estate licensees and sole proprietors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 827, 1588, 1609, 1690,* 1691, 2002, 2066.

669....Provides that physical examination required of certain peace officers and firemen must include hearing test. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 827, 1089, 1097, 1119, 1125,* 1126, 1453, 1525.

670....Authorizes justice of the peace and municipal judge to order residential confinement as punishment without consent of offender. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 827, 920, 928, 931, 941, 942,* 2002, 2066.

671....Authorizes exclusion of general public from gaming establishment operated by private, social or fraternal association. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 827.

672....Increases tax on rental of transient lodging for benefit of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 828.

673....Authorizes imposition of property tax for prevention and suppression of criminal gang activities upon approval of voters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 828, 1563, 1566, 1590, 1667, 1686, 1832, 1845, 1853, 1855, 1951.*

674....Requires advertisements for certain public performances which include music or musical accompaniment to indicate whether music is recorded or performed live. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 828.

675....Clarifies certain definitions relating to chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 828.

676....Revises composition of state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 828.

677....Allows claimant to recover damages from insurer who fails to attempt in good faith to settle certain claim. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 828.

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678....Makes various changes to provisions governing cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 829, 1530, 1534, 1574,* 1575, 2132, 2170, 2319.

679....Prohibits insurers from being subrogated to certain rights of underinsured motorists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 829.

680....Authorizes commissioner of insurance to investigate and punish unsuitable conduct of insurance business. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 829, 1130, 1132, 1142, 1155, 1192,* 1308, 1404.

681....Requires policies of property insurance covering home or contents of home to provide full coverage of cost to replace property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 829.

682....Removes requirement that mobile home parks have master water meter. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 847.

683....Authorizes county to issue general obligation bonds for water projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 847, 1504, 1505, 1520, 1528, 1560, 1564,* 1566, 2002, 2066.

684....Authorizes counties to impose excise tax for new water treatment facilities and authorizes public utilities and counties to enter into agreements with respect to those facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 847, 1504, 1505, 1520, 1528, 1560, 1564,* 1566, 2082, 2148.

685....Authorizes certain counties to impose or increase specified taxes to provide for development of open-space land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 848, 1503, 1505, 1520, 1551, 1560, 1565,* 1566, 2149, 2159, 2319.

686....Makes various changes concerning excavations and demolitions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 848, 1069, 1079, 1083, 1126,* 1608, 1685.

687....Allows board of wildlife commissioners to accept sealed bids for or auction two deer tags each year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 848, 1069, 1079, 1084, 1091,* 1094, 1290, 1307.

688....Requires additional district judges in eighth judicial district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 848.

689....Adds nonvoting members to state public works board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 848, 849, 1309, 1325, 1327, 1407,* 1408.

690....Authorizes Nevada athletic commission to prescribe additional penalties for certain violations of law or regulation concerning contest or exhibition of unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 849, 1245, 1251, 1261, 1269,* 1279, 1589, 1661.

691....Revises registration fees for farm vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGinness, Dini, Carpenter, Stout, Marvel, Bergevin, Spriggs and Spitler. 849, 1187, 1195, 1215, 1249,* 1251, 2288.

692....Requires licensing and regulation of person who sells extended service contract for consumer products. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Haller, Anderson, Petrak, Scherer, Arberry, Norton, Stout, Little, Carpenter, Wong, Gregory, Price, Callister, Goetting, Lambert, Bache, Spitler, Pettyjohn, McGinness, Giunchigliani, Myrna Williams, Humke, Porter, Evans, Marvel, Gibbons, Bennett, Wendell Williams and Garner. 849.

693....Requires establishment of plan for child care. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman, Giunchigliani and Evans. 851.

694....Requires court to impose restitution as part of sentence of person convicted of selling or distributing controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 859, 1016, 1020, 1030, 1055.*

695....Exempts person from requirement of licensure or finding of suitability if only contact with licensed gaming establishment is lease for fixed amount of money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 859.

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696....Authorizes county to establish program for deferred prosecution for certain offenders. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 860.

697....Limits exercise of eminent domain for street railways and similar utilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 860, 1188, 1195, 1216, 1249,* 1251, 1589, 1660, 1685.

698....Imposes tax on certain activities, services and privileges relating to amusement, entertainment or recreation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 860.

699....Amends charter of City of North Las Vegas to authorize city council to prohibit use of buildings and structures for illegal activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 860, 1015, 1020, 1030, 1055,* 1290, 1307.

700....Revises composition of district boards of health. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 877, 1405, 1409, 1410, 1439,* 1915, 1924, 2000.

701....Makes various changes relating to public employees' retirement systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 877, 1015, 1020, 1031, 1055,* 1915, 2036, 2097, 2126, 2213, 2235.

702....Requires certain entities who receive money from state to establish policy to ensure work place is free of illegally used drugs and alcohol. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 877.

703....Makes various changes to encourage provision of prenatal care to women. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Welfare. 877.

704....Revises standards for issuance of permit for person other than public utility to construct utility facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 878.

705....Revises fees charged for registration of certain heavy vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 895.

706....Requires certification of radiation machines for mammography and their operators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 895, 1079, 1084, 1091, 1092,* 1094, 1453, 1485, 1525.

707....Provides for designation of honor camps for treatment of prisoners convicted of certain crimes involving abuse of alcohol or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 895.

708....Makes various changes relating to manufactured and mobile homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini, Porter and Petrak. 896, 1530, 1536, 1574, 1575,* 2132, 2176, 2319.

709....Establishes method for determining and reporting royalties and other interests in production of oil and gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 898, 1160, 1174, 1176, 1224, 1225,* 1453, 1525.

710....Allows county and district hospitals to insure certain persons who participate in peer review. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 899.

711....Requires certain owners of lots in subdivisions to provide xeriscaping for model residential structure and requires conservation of water in landscaping of certain residential and commercial structures and public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Callister, Heller, Scherer, Pettyjohn, Haller, Lambert, Goetting, Anderson, Bache, McGinness, Spitler, Bergevin, Humke, McGaughey, Marvel, Gibbons, Johnson, Gregory, Price, Wong, Petrak, Bennett, Krenzer, Wendell Williams, Evans, Arberry, Garner, Giunchigliani, Myrna Williams, Elliott and Porter. 901.

712....Prohibits local government employer from hiring certain employees without using process of competitive selection designed to determine most qualified applicant for position. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wendell Williams. 906, 1417, 1424, 1429, 1437, 1442, 1444, 1491,* 1503,* 1574, 1579, 1615, 1619, 1620.*

713....Makes appropriation to state department of conservation and natural resources for costs related to litigation involving stream system of Truckee River and consultants concerning administration of water resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 908, 1309, 1325, 1327, 1407,* 1408, 1718, 1846.

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714....Makes appropriation to interim finance committee for support of Nevada Appellate and Post-Conviction Project. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 908, 2010, 2011, 2012, 2026, 2029,* 2288.

715....Restricts expenditure of money appropriated to counties for special supervision programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 914, 1076, 1079, 1084, 1092,* 1094, 1406, 1435.

716....Authorizes division of state lands of state department of conservation and natural resources to negotiate for and purchase certain land in Las Vegas for state office building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 916, 1056, 1067, 1073,* 2270.

717....Establishes crime of sexual abuse by therapist. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 916, 1336, 1338, 1364, 1422,* 1423.

718....Establishes ratio of pupils to counselors in public schools in kindergarten through grade 12. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 916, 1076, 1079.

719....Requires certain local government employees to pay fee for costs related to negotiations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Price, Wendell Williams, Giunchigliani and Bache. 916.

720....Makes appropriation to department of education to assess benefits of class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 918.

721....Increases fee paid to department of motor vehicles and public safety for certain forms issued to fleet stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 918, 1419, 1424, 1429, 1431, 1455,* 1456, 1718, 1846.

722....Provides expedited procedure for approval of temporary appropriation of water for environmental purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 924, 1069, 1079, 1084, 1092,* 1094, 1290, 1307.

723....Revises provisions governing access to records of department of motor vehicles and public safety which are made available for private use. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer, Gregory, Petrak, Hardy, Johnson, Elliott, Porter, Gibbons, Bayley, Norton, Carpenter, Anderson, Pettyjohn, Stout, Garner, Little, Wong, Krenzer, Bennett, Marvel, Wendell Williams, Price, Spriggs, Bergevin, McGaughey, Freeman, Lambert, Humke, Spitler, McGinness, Goetting, Arberry, Callister, Myrna Williams, Giunchigliani, Evans and Dini. 924, 1187, 1195, 1216, 1249, 1250,* 1251.

724....Requires payment of interest on excess contributions in certain impound accounts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Gregory, Petrak, Hardy, Johnson, Elliott, Porter, Gibbons, Bayley, Carpenter, Anderson, Pettyjohn, Stout, Garner, Little, Wong, Bennett, Krenzer, Wendell Williams, Arberry, Price, Heller, Spriggs, Bergevin, McGaughey, Norton, Lambert, Haller, Spitler, Humke, McGinness, Goetting, Callister, Myrna Williams, Giunchigliani, Evans and Dini. 924.

725....Creates commission on future of judicial system in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 924, 1961, 1962, 1963, 2004, 2009, 2014.*

726....Requires various policies of insurance to provide expedited procedure for arbitration to resolve disputes concerning independent evaluations of medical or chiropractic care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 925, 1504, 1505, 1521, 1552,* 1553.

727....Requires department of transportation to construct toll booths on interstate highways in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Goetting and Spitler. 925.

728....Creates department of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 925, 1664, 1667, 1668, 1677, 1999, 2004, 2019, 2026, 2029,* 2149, 2319.

729....Requires testing of newborn babies for presence of alcohol or controlled substances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Bache. 936.

730....Adds element of intent to defraud to certain offenses relating to false claim for insurance benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Johnson, Gregory, Anderson, Bayley, Pettyjohn, Hardy, Heller, Lambert, Goetting, Porter, Dini, Bergevin, McGaughey, Stout, Carpenter, Elliott, Little, Garner, Giunchigliani, Spriggs, Norton, Haller, McGinness, Spitler, Humke, Evans, Wendell Williams, Kerns, Krenzer, Marvel, Gibbons, Bennett, Wong, Arberry, Callister, Sader and Bache. 936, 1458, 1460, 1500,* 1505.

*No.* *Summary, Introducer and Page Reference*

731....Authorizes state engineer to set minimum stream flows and requires certain counties to implement water conservation measures in building codes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Anderson, Bayley, Pettyjohn, Hardy, Heller, Freeman, Goetting, Garner, Giunchigliani, Haller, Norton, Spitler, Porter, Evans, Wendell Williams, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Arberry, Callister and Bache. 936.

732....Designates executive directors of commissions on economic development and tourism as serving respectively at pleasure of governor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Garner, Arberry, Callister, Bennett, Porter, Norton, Evans, Wendell Williams, Krenzer, Myrna Williams and Giunchigliani. 941, 1069, 1079, 1085, 1092, 2134.

733....Regulates various practices of oil companies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Callister, McGaughey, Porter, Dini, Carpenter, Myrna Williams, Elliott, Giunchigliani, Norton, Heller, Scherer, Bayley, Haller, Evans, Wendell Williams, Krenzer, Bennett, Petrak, Gregory, Price, Arberry, Goetting, Bache, Anderson and Pettyjohn. 942.

734....Creates office of advocate for victims of domestic violence and requires certain counties to establish commissioner to issue temporary orders for protection against domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 943.

735....Makes various changes concerning real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goetting. 951.

736....Requires regional transportation commission to provide for free transportation for elderly and handicapped. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 955.

737....Defines certain terms and drafting conventions for purposes of Nevada Revised Statutes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 955, 1076, 1079, 1085, 1092,* 1093, 1094, 1308, 1404.

738....Provides for intensive supervision of offenders outside of prison. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 955.

739....Revises provisions governing preference for local contractors on public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Little. 955, 1336, 1338, 1365, 1407,* 1408, 2257, 2263.

740....Requires superintendent of public instruction to maintain office for licensing in certain counties and to allocate personnel to that office according to population. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 955.

741....Provides for payment by felon of cost of criminal investigation, prosecution and confinement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 956, 1966, 1979, 1988, 2015, 2017,* 2018.

742....Requires Nevada gaming commission to take disciplinary action against gaming licensee who violates laws relating to labor relations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Wendell Williams and Price. 956.

743....Makes various changes relating to proceedings in domestic relations cases. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 964, 1188, 1195, 1217, 1225,* 1453, 1525.

744....Revises provisions governing fees for services and copies of records concerning vital statistics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 964, 1162, 1174, 1176, 1225,* 1406, 1435.

745....Revises provisions governing county commissioners' meetings and districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 983, 1264, 1277, 1283, 1307,* 1589, 1601, 1661.

746....Creates Virgin Valley Water District. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Pettyjohn, Hardy, Bayley, Gregory, Stout, Carpenter, Little, Garner, Spriggs, Heller, Haller, McGinness, Humke, Porter, Evans, Kerns, Bennett, Marvel, Petrak, Gibbons, Wong, Price, Arberry, Callister, Bergevin, Goetting, Anderson, Krenzer, Scherer and Dini. 983.

747....Increases penalty for driving motor vehicle while under influence of intoxicating liquor or controlled substance if child is passenger and requires suspension of driver's license of pupils under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 983.

748....Prohibits possession of open container of alcoholic beverage in motor vehicle. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 983.

*No.* *Summary, Introducer and Page Reference*

749....Revises standard for determining operation of vehicle or vessel while intoxicated. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 984, 1264, 1277, 1283, 1284.

750....Makes various changes regarding detention of juveniles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 984, 1188, 1195, 1217, 1250,* 1251, 1453, 1525.

751....Makes appropriation to department of education to assist school districts in recruitment of minority teachers and other licensed personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Education. 984, 2092, 2094, 2128, 2130, 2131,* 2270.

752....Imposes luxury tax on purchase of certain jewelry, furs, motor vehicles, boats and aircraft. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 984.

753....Increases compensation for employees of legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 1017, 1438, 1445, 1448, 1491,* 2257, 2262.

754....Clarifies that unrealized investment gains and losses must not be considered in determining declaration of dividend by state industrial insurance system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1042, 1221, 1226, 1238, 1250,* 1251, 1308, 1404.

755....Expands right of employee to inspect record of employment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1043, 1245, 1251, 1290, 1304, 1312.*

756....Makes various changes to provisions governing statutory liens on mobile homes and manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Johnson, Petrak, Anderson, Scherer and Norton. 1045, 1489, 1493, 1495, 1528,* 2002, 2010, 2066.

757....Allows discovery in certain administrative proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1046.

758....Requires commissioner of insurance to adopt regulations relating to disclosure of coverage for emergency medical treatment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Norton, Johnson, Anderson, Petrak, Krenzer, Bache, Spitler, Bennett, Wong, Giunchigliani, Haller, Myrna Williams, Wendell Williams and Dini. 1050, 1504, 1505, 1522, 1552,* 1553, 2024, 2098.

759....Authorizes board of medical examiners to adopt certain requirements for continuing education of physicians and physician's assistants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1057, 1169, 1174, 1177, 1192, 1193,* 1308, 1404.

760....Allows earlier retirement and decreases reduction of benefits for early retirement of police officers and firemen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1057.

761....Requires board of trustees to allow parent to enroll child in any public school within district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Hardy. 1057.

762....Creates legislative budget committee and legislative budget office within legislative counsel bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Callister, Marvel, Arberry, McGinness, Goetting, Giunchigliani, Heller, Myrna Williams, Humke, Stout, Price and Pettyjohn. 1070.

763....Transfers financial responsibility for support, education and care of mentally retarded children from counties to state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 1070, 2032, 2033, 2036, 2040, 2043, 2044,* 2066.*

764....Imposes tax on net revenue received by certain hospitals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 1070.

765....Reduces number of years of continuous absence required before estate of missing person may be administered. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1080, 1290, 1293, 1317, 1318,* 1453, 1525.

766....Makes various changes regarding licensure or other authorization to practice certain professions and occupations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 1080, 1526, 1530, 1536, 1575.*

*No.* *Summary, Introducer and Page Reference*

767....Requires state controller to transfer interest and income earned on money in prisoners' personal property fund to inmate welfare account in offenders' store fund biannually. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1080.

768....Provides for treatment of certain persons convicted of driving under influence of alcohol or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1080.

769....Prohibits certain actions by court and makes voidable provisions of contract that conceal public hazard. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1089, 1336, 1338, 1365, 1419, 1438, 1439.*

770....Prohibits operation of gaming devices in certain areas of public transportation facility and revises provisions governing investigations of state gaming control board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1089, 1303, 1309, 1407,* 1408, 1488, 1525.

771....Limits award of damages in action against physician or nurse for malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1089.

772....Redistricts congressional districts of Nevada congressional delegation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 1090, 1242, 1251, 1262, 1269,* 1270, 1279, 1550, 1587.

773....Creates commission to plan for needs and review finances of hospitals and related facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Bennett and Arberry. 1090.

774....Requires collection of additional administrative assessment from person convicted of driving while intoxicated or of offense involving controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1097.

775....Provides for program of intensive supervision in lieu of imprisonment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1097.

776....Creates and revises districts from which members of board of regents and members of state board of education are elected. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Legislative Functions and Elections. 1124, 1309, 1325, 1327, 1408,* 1550, 1587.

777....Authorizes Indian reservations and colonies to tax motor vehicle and special fuels. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1130, 1573, 1578, 1584, 1592, 1616,* 1620, 1664, 1666, 2070, 2075, 2081, 2266.

778....Limits deductions allowed in determining net proceeds of minerals subject to taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1130.

779....Provides for programs of intensive supervision of parolees and certain criminal offenders granted probation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1146, 1444, 1445, 1448, 1455,* 1456, 2024, 2230, 2319.

780....Prohibits state agency from selling certain informational lists for commercial purpose. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache. 1149.

781....Requires reduction of class size in higher grades and increases scope of mandatory bargaining. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Bache and Haller. 1149.

782....Increases membership of county fair and recreation board in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1149, 2024, 2032, 2033, 2036, 2040.*

783....Makes various changes relating to telemarketing business. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1153, 1687, 1692, 1693, 1722, 1726, 1729,* 2132, 2209, 2319.

784....Clarifies provisions concerning possession of short-barreled rifle or shotgun. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1190, 1264, 1277, 1284, 1290, 1312, 1313,* 1318, 1589, 1602, 1661.

785....Increases cash balance of parolees' revolving loan account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1222, 1309, 1325, 1329, 1408,* 1718, 1846.

786....Makes appropriation to motor pool fund for purchase of vehicles for motor pool fleet for use by department of parole and probation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1222, 1309, 1325, 1329, 1408,* 1915, 2232, 2319.

*No.* *Summary, Introducer and Page Reference*

787....Increases number of members of state board of parole commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Ways and Means. 1222, 1458, 1461, 1500,* 1501, 1505, 1718, 1846.

788....Conforms group insurance for state employees to new federal requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Myrna Williams and Spitler. 1243, 1526, 1530, 1537, 1575.*

789....Revises composition of board of directors of department of transportation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1243.

790....Expands exemption from regulation as motor carrier for employer who furnishes transportation for employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1243, 1505, 1525, 1552,* 1553, 2132, 2164, 2319.

791....Requires taxicab company to provide receipt for money remitted by driver. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1244.

792....Redistricts legislative districts of Nevada legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No Committee on Legislative Functions and Elections. 1280.

793....Redistricts legislative districts of Nevada legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 1280.

794....Requires state contractors' board to establish and administer escrow account for deposits of contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani. 1280.

795....Revises provisions governing state budget. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1280.

796....Provides for payment of interest and penalty on late payments of money collected by wildlife license agents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1280.

797....Imposes interest on certain late payments designated for fund for prison industries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1281, 1444, 1445, 1448, 1491,* 1492, 1589, 1661.

798....Makes various changes to charter of City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1290.

799....Revises composition of commission on professional standards in education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache and Krenzer. 1326, 1723, 1729, 1730, 1820, 1854, 1856, 1859,* 2257.

800....Excludes generation-skipping transfer and estate taxes from provisions exempting certain bonds from taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1326, 1573, 1578, 1584, 1592, 1618,* 2002, 2066.

801....Requires approval by board of county commissioners of certain applications for permits to appropriate water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spriggs, Marvel, Carpenter, Bergevin, McGinness, Heller, Dini and Elliott. 1336.

802....Provides for administrative judges and other procedural changes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1341.

803....Exempts pensions and similar benefits from execution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1341.

804....Creates committee to study parole and probation in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 1341, 1342, 1424, 1562, 1566, 1592, 1618, 1690, 1691.*

805....Makes various changes concerning financial regulation of insurance companies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 1403, 1720, 1729, 1731, 1854,* 2149, 2319.

806....Makes various changes concerning general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1439, 1504, 1505, 1522, 1528, 1560, 1565,* 1566, 2002, 2066.

807....Imposes various taxes on medical care to allow increased reimbursement for providers of care to Medicaid patients. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1486, 1966, 1979, 1988, 2015, 2016, 2026, 2038, 2055, 2120, 2146, 2181, 2215, 2229, 2266.

*No.* *Summary, Introducer and Page Reference*

808....Requires issuance of special deer tags to certain persons who served in crisis in Persian Gulf. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1498, 2043, 2079,* 2080.

809....Makes various changes relating to transfer of interests in property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1499, 1523, 1578, 1584, 1592, 1619,* 2002, 2066.

810....Requires that chairmanship of legislative committee on health care alternate biennially between houses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 1505, 1530, 1538, 1552,* 1553.

811....Makes supplemental appropriation to state board of parole commissioners for payment of retirement contributions for former member. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1576.

812....Makes various changes concerning clean air and emissions from certain motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1576, 1592, 1611, 1664,* 2149, 2164, 2319.

813....Relinquishes state claims to certain portions of beds and banks of Truckee River within Pyramid Lake Indian Reservation and to certain land under and surrounding Pyramid Lake. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1580.

814....Prohibits certain actions by court and makes voidable provisions of settlement agreement that conceals information regarding tortious conduct of governmental entity. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 1591.

815....Increases salaries of certain public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1591, 1961, 1962, 1963, 1970, 1978, 2003, 2016, 2026, 2038, 2055, 2120, 2146, 2181, 2215, 2221, 2230, 2233, 2234,* 2288, 2319.

816....Increases membership of county fair and recreation board in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1601.

817....Amends Assembly Bill No. 495 of this session to change appropriation and authorization for expenditure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1663, 1691, 1692, 1693, 1726,* 1727, 1729, 2002, 2066.

818....Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1720, 1831, 1835, 1853, 1863, 1896, 1912, 1951, 1957, 1970, 1978, 2003, 2016, 2026, 2038, 2055, 2120, 2146, 2181, 2204,* 2205, 2288, 2319.

819....Reduces rate of tax imposed on liquefied petroleum gas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1832, 2024, 2032, 2033, 2036, 2041.*

820....Clarifies right of legislative employees to transfer into positions in executive branch. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1853, 1966, 1979, 1994, 2015, 2017,* 2018.

821....Prospectively requires central assessment of property of certain resort hotels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1854.

822....Establishes program of education for children relating to elections and political process. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Callister. 1901, 1920, 1954, 1962, 1974, 2015, 2018, 2080, 2081, 2090.*

823....Makes technical corrections to measures previously approved by 66th session of legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1975, 2011, 2013, 2026,* 2029, 2082, 2148.

824....Directs state gaming control board to conduct study of business of operators of slot machine routes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 2092, 2135, 2151, 2209, 2216,* 2217, 2220, 2288.

825....Authorizes issuance of bonds for construction of classroom and office complex at University of Nevada, Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 2146, 2205, 2209, 2219,* 2220, 2270.

826....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 2146, 2205, 2209, 2219,* 2220, 2288, 2319.

*No.* *Summary, Introducer and Page Reference*

827....Amends Senate Bill No. 647 of this legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Legislative Functions and Elections. 2206, 2207,* 2220, 2257.

828....Revises provisions governing property tax assistance to senior citizens. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Haller, Giunchigliani, McGaughey, Gibbons, Bergevin, Petrak, Bennett, Elliott, Garner, Anderson, Bache, Johnson, Gregory, Freeman, Dini, Myrna Williams, Spitler, Evans, Arberry, Krenzer, Wendell Williams, Porter, Price, Sader, Wong, Stout, Marvel, Humke, Spriggs, Goetting, McGinness, Norton, Hardy, Scherer, Lambert, Kerns, Carpenter, Bayley, Heller, Callister and Pettyjohn. 2206, 2265, 2266, 2267,* 2302.

829....Makes appropriation to Lyon County for school bus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 2233, 2265, 2266, 2267,* 2317.

830....Makes various appropriations from emergency fund of supplemental city-county relief tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 2304, 2305,* 2317.

# LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

## ASSEMBLY JOINT RESOLUTIONS

*No.* *Summary, Introducer and Page Reference*

1....Proposes to amend Nevada constitution to remove limitations on midterm changes in amount of compensation paid to state officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 48.

2....Proposes to amend Nevada constitution to remove power of legislature to set salaries of certain county officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 49.

3....Urges Congress and President to provide additional financial support for water systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 49, 245, 257, 284,* 285, 438, 473.

4....Proposes to amend Nevada constitution to authorize donation or loan of state money or credit to private organizations for public purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 49.

5....Urges Congress to eliminate inequities in payment of social security benefits to "notch babies." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani and Petrak. 80.

6....Urges Congress to eliminate inequities in payment of social security benefits to "notch babies." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Petrak, Garner, Bennett, Anderson, Bache, Scherer, Sader, Norton, Krenzer, Myrna Williams, Gregory, Porter, Wendell Williams, Price, Arberry, Callister, Evans, Dini, Little, Giunchigliani, Spitler, McGaughey, Wong, Humke, Elliott, Carpenter, Stout and Gibbons. 80, 137, 146, 155, 156,* 326, 348.

7....Urges Congress to eliminate inequities in payment of social security benefits to "notch babies." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gregory, Little, Elliott, Bayley, Wong, Scherer, Heller, Anderson, Spitler, Carpenter, Krenzer, Hardy, Price, Bergevin, Johnson, Kerns, Petrak, Humke, McGinness, McGaughey, Bache, Wendell Williams, Bennett, Arberry, Stout, Pettyjohn, Goetting, Norton, Haller, Porter, Myrna Williams, Sader, Gibbons and Marvel. 81.

8....Urges Congress to increase amount of financial assistance allotted to Head Start programs in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 100, 222, 239, 246,* 357, 381.

9....Proposes to amend Nevada constitution to provide for annual legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Giunchigliani, Myrna Williams, Anderson, Goetting, Wendell Williams, Arberry, Gregory, Wong, Bayley, Haller, Kerns, Bennett, Heller, Krenzer, Bergevin, Johnson, Dini, Callister, McGaughey, Carpenter, McGinness, Elliott, Norton, Evans, Petrak, Freeman, Pettyjohn, Garner, Porter, Gibbons and Sader. 104, 1619, 1620, 1657, 1691.*

10....Urges Congress to adopt proposed Family and Medical Leave Act of 1990. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Evans, Myrna Williams, Price, Anderson and Sader. 231.

11....Urges Congress to adopt proposed Pay Equity Technical Assistance Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Wendell Williams, Myrna Williams, Evans, Price, Anderson and Sader. 231, 356, 376, 386, 414, 518.

12....Urges Secretary of Interior to remove Lahontan cutthroat trout and Cui-ui fish from list of endangered and threatened species. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Gibbons, Callister, Bergevin, McGinness, Carpenter and Dini. 264.

13....Urges Congress to increase funding of federal program of nutrition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 291, 595, 610, 616, 617,* 1308, 1404.

*No.* *Summary, Introducer and Page Reference*

14....Proposes to amend Nevada constitution to permit revision of proposed constitutional amendment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price. 342.

15....Urges Congress to restore commercial category for tax-exempt small-issue industrial development bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 351.

16....Urges President Bush and Congress to take diplomatic action in support of Baltic freedom. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman. 524.

17....Creates committee of Legislators from Nevada to meet with Legislators from California to review Tahoe Regional Planning Compact. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 617, 801, 826, 839, 863,* 1290, 1307.

18....Urges Congress to direct federal agencies to disclose information concerning certain United States personnel classified as prisoners-of-war or missing-in-action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller, Pettyjohn, Dini, Gibbons, Price, Elliott, Carpenter, Marvel, Myrna Williams, Giunchigliani, Spriggs, Hardy, Bayley, Norton, Scherer, Humke, Lambert, Bache, Goetting, Wong, McGaughey, Anderson, McGinness, Little, Freeman, Bennett, Petrak, Arberry, Wendell Williams, Porter, Callister, Evans, Bergevin, Haller, Johnson, Kerns, Gregory, Krenzer, Garner, Sader and Stout. 638, 766, 768, 769, 775, 777,* 910, 919.

19....Proposes to amend constitution of State of Nevada to increase authorized uses of proceeds from certain fees relating to licensing, registration and operation of motor vehicles and excise taxes on motor vehicle fuels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 679.

20....Urges Congress to provide money for measures to mitigate drought or for low-interest loans to reduce impact of drought on farmers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 681, 875, 880, 900, 901.*

21....Proposes to amend Nevada constitution to extend jurisdiction of commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 697, 939, 943, 947, 960,* 1290, 1307.

22....Proposes to amend Nevada constitution to allow increase in salary of justice of supreme court and district judge during term. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 698, 1076, 1079, 1085, 1093,* 1094, 1290, 1307.

23....Urges Congress to pass Hunger Relief Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 699, 1450, 1455, 1456,* 1915, 1950, 2000.

24....Proposes amendment to Nevada constitution to authorize state to enter into certain agreements notwithstanding limitations on state indebtedness. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 719, 1264, 1277, 1284, 1313,* 1318, 1551, 1587.

25....Urges Congress to expedite ratification of the amendments to the Tahoe Regional Planning Compact adopted by California and Nevada in 1987. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 841, 954, 961, 977, 986,* 2002, 2066.

26....Urges C.H. Kempe National Center to hold annual meeting of "National Task Force on Juvenile Sexual Offending" in Nevada in 1992. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 876, 1408, 1409, 1410, 1423,* 1589, 1661.

27....Encourages cooperation among federal, state, local and tribal authorities in enforcing laws relating to alcohol and controlled substances on Indian reservations and in Indian colonies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Welfare. 876.

28....Urges Congress to allocate money for management of wild horses and burros based on population of herds of wild horses and burros in each state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Marvel, Bennett, Little, Garner, Porter, Bergevin, Heller, Spriggs, Hardy, Bayley, Stout, Elliott, McGinness, Petrak, Wong, Kerns, Price, Gregory, Norton, Gibbons, Scherer, Johnson, Pettyjohn, Wendell Williams, McGaughey, Arberry, Spitler and Goetting. 895, 1474, 1478, 1479, 1501,* 1505, 1819, 1890.

29....Urges Congress to encourage development and marketing of affordable drugs for treatment of persons afflicted with acquired immune deficiency syndrome. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 900, 1408, 1409, 1410, 1423,* 2002, 2066.

*No.* *Summary, Introducer and Page Reference*

30....Urges Congress to give Indian tribes jurisdiction over Indians not on official tribal rolls. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 921, 1121, 1132, 1143, 1155,* 1336, 1416.

31....Proposes amendment to Nevada constitution to expand aggregate number of legislators allowed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Welfare. 1724.

## ASSEMBLY JOINT RESOLUTIONS OF THE 65th SESSION

*No.* *Summary, Introducer and Page Reference*

5....Proposes to amend Nevada constitution to require Governor and Lieutenant Governor to be of same political party, to require that they be elected on same ballot, and to remove Lieutenant Governor from position of President of Senate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Myrna Williams, Sader, Sedway, Swain, Evans, Callister, Wisdom, Diamond, Thompson, Gaston, Porter, Adler, Nevin, Schofield, Banner, Arberry, Kissam, Garner, Chowning, Regan, Sheerin, Brookman, Fay, Wendell Williams, Freeman, Spinello, Jeffrey, Triggs, McGaughey, Carpenter, Marvel, Lambert, McGinness, Kerns and Bergevin. 11, 19.

23....Proposes to amend Nevada constitution to eliminate prohibition against lending state money or credit to businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 11, 20, 96, 105, 112,* 646, 681.

28....Proposes to repeal article XVIII of Nevada constitution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Brookman, Evans, Swain, Myrna Williams, Lambert, Freeman, Chowning, Diamond, Spriggs, Wisdom, Bogaert, Marvel, Callister, Spinello, Adler, Porter, Kerns, Sheerin, Banner, Arberry, Nevin, McGaughey, DuBois, Jeffrey, Sedway, Bergevin, Dini, Humke, Fay, Garner, Schofield, Kissam, Regan, Carpenter, Sader, Wendell Williams, Gibbons, McGinness, Triggs, Gaston and Thompson. 11, 21, 116, 123, 131,* 231, 251.

## ASSEMBLY CONCURRENT RESOLUTIONS

*No.* *Summary, Introducer and Page Reference*

1....Adopts Joint Rules of Senate and Assembly for 66th session of Legislature. Dini and McGaughey. 10, 22, 78.

2....Honors men and women of Nevada serving in United States Armed Forces in Operation Desert Storm. Price, Dini, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong. 12, 22, 78.

3....Commemorates Martin Luther King, Jr. Wendell Williams, Arberry, Anderson, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Dini, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams and Wong. 14, 22, 86.

4....Directs Division of Water Planning of State Department of Conservation and Natural Resources to compile plan for management of water resources for each river basin area. Committee on Government Affairs. 50, 198, 199, 351, 364.

5....Directs division of water planning of the state department of conservation and natural resources to emphasize provision of technical assistance to local governments. Committee on Government Affairs. 50, 198, 199, 351, 364.

6....Urges cities and counties to protect sources of drinking water in their communities from contamination. Committee on Government Affairs. 50, 271, 272, 293, 499, 520.

7....Directs Director of State Department of Conservation and Natural Resources to study desirability and feasibility of program to give credits to holder of water right for water saved through plan of conservation. Committee on Government Affairs. 50, 245, 247, 254, 367, 396.

8....Urges State Department of Conservation and Natural Resources to establish joint office of Division of Environmental Protection and Division of Water Resources in Clark County. Committee on Government Affairs. 50.

9....Commends Stephen A. Wynn and his employees for public service in Nevada. Petrak, Dini, Garner, Bennett, Sader, Bache, Krenzer, Myrna Williams, Porter, Wendell Williams, Price, Arberry, Callister, Evans, Giunchigliani, Spitler, Gregory, McGaughey, Wong, Humke, Elliott and Carpenter. 81, 96, 107.

*No.* *Summary, Introducer and Page Reference*

10....Directs Public Service Commission of Nevada to consider and address certain public concerns. Committee on Transportation. 93, 145, 147, 565, 585.

11....Directs Department of Transportation and Department of Motor Vehicles and Public Safety to analyze establishment of ports of entry. Committee on Transportation. 93, 151, 431, 447.

12....Directs Department of Motor Vehicles and Public Safety to evaluate adequacy of existing penalties for unlawful operation of motor carriers. Committee on Transportation. 94, 151, 921, 952.

13....Urges local governments to revise zoning restrictions and building codes to encourage development of affordable mobile home parks for persons of low income. Committee on Government Affairs. 97, 271, 272, 367, 396.

14....Urges employers to adopt strategies to assist their employees with child care. Committee on Health and Welfare. 100, 689, 693, 699, 921, 952.

15....Authorizes expenditure from legislative fund for payment of speaker to appear before standing committees of Legislature. Committee on Ways and Means. 100, 114, 115, 143, 157.

16....Directs Legislative Commission to conduct interim study of welfare system in Nevada. Evans, Callister, Marvel, Price, McGinness, Pettyjohn, Goetting, Giunchigliani, Heller, Spitler, Myrna Williams, Stout, Dini and Humke. 109, 1893, 2097, 2148.

17....Memorializes former Sparks police chief Thomas A. Hill. Anderson, Dini, Sader, Carpenter, Wendell Williams, Gibbons, Scherer, Petrak, Elliott, Gregory, Hardy, Humke, Johnson, Evans, Giunchigliani, Bayley, Porter, Norton, Little, Bache, Krenzer, Wong, Garner, Bennett, Freeman, Spriggs, Haller, McGaughey, Goetting, Marvel, Arberry, McGinness, Pettyjohn, Heller, Spitler, Myrna Williams, Stout, Bergevin, Kerns, Lambert, Price and Callister. 110, 114, 123.

18....Directs Legislative Commission to study effects of using methylphenidate hydrochloride to treat hyperactive children. Little, Price, Stout, Bergevin, Spriggs, Garner, Kerns, Elliott, Petrak, Bennett, Marvel, Anderson, Hardy, Wong, Lambert, Haller, Krenzer, McGaughey, Arberry, Humke, Gibbons, Carpenter, Norton, Sader, Bayley, Freeman, Spitler, Pettyjohn, Goetting, Dini, Evans, Porter, Wendell Williams, Heller and Bache. 150, 151, 1892.

19....Directs Health Division of Department of Human Resources to determine potential demonstration sites for health clinics for teenagers. Committee on Health and Welfare. 151.

20....Commends Scott M. Ruedy for his service to Nevada Assembly. Dini, Garner, Bennett, Petrak, Krenzer, Gibbons, Wong, Johnson, Bergevin, Sader, Gregory, Freeman, Lambert, Bache, Anderson, Hardy, Bayley, Haller, McGinness, Spriggs, Norton, Myrna Williams, Porter, Wendell Williams, Little, Elliott, Stout, Marvel, Giunchigliani, Carpenter, McGaughey, Humke, Spitler, Scherer, Pettyjohn, Callister, Arberry, Price, Evans, Kerns, Heller and Goetting. 162, 176, 196.

21....Requires legislature to redistrict in manner that each legislator is elected from single-member legislative district and each senate district consists of two assembly districts. Committee on Legislative Functions and Elections. 169, 579, 580.

22....Provides that Nevada Legislature agrees that number of members in Assembly and Senate is to remain unchanged for purpose of redistricting by 66th session of Nevada Legislature. Committee on Legislative Functions and Elections. 200, 579, 580.

23....Approves State of Nevada Drought Plan. Committee on Government Affairs. 220, 289, 293, 438, 473.

24....Memorializes Valmy pioneer, Eugene DiGrazia. Marvel, Dini, Evans, McGaughey, Anderson, Petrak, Stout, Carpenter, Garner, Hardy, Little, Elliott, Heller, Humke, Bergevin, Spitler, Spriggs, Sader, Norton, Giunchigliani, Freeman, Goetting, Lambert, McGinness, Haller, Bache, Pettyjohn, Bayley, Scherer, Myrna Williams, Bennett, Gibbons, Wong, Krenzer, Johnson, Kerns, Wendell Williams, Gregory, Price, Arberry, Callister and Porter. 231, 246, 259.

25....Commends United States troops and reservists of Nevada returning from participation in Persian Gulf War. Norton, Dini, Porter, Heller, Hardy, Scherer, Bayley, Anderson, Pettyjohn, Haller, McGinness, Spitler, Humke, Spriggs, Giunchigliani, Marvel, Petrak, Garner, Wong, Bache, Goetting, Gregory, Kerns, Krenzer, Arberry, Evans, Callister, Price, Sader, Little, Johnson, Bennett, Carpenter, Lambert, Myrna Williams, Elliott, Bergevin, Freeman, Stout, McGaughey, Gibbons and Wendell Williams. 233, 253, 269.

26....Directs Legislative Commission to conduct interim study concerning policy for naming of state buildings. Committee on Legislative Functions and Elections. 234, 315, 316, 2097, 2148.

27....Commends Amy Phelps for her long and dedicated service to Nevada Legislature. Dini, Price, Bergevin, Marvel, Sader, Humke, Kerns, Arberry, Lambert, McGaughey, Spriggs, Myrna Williams, Callister, Carpenter, Evans, Freeman, Garner, Porter, Wendell Williams, McGinness, Haller, Little, Anderson, Bache, Bayley, Bennett, Elliott, Giunchigliani, Goetting, Gregory, Hardy, Heller, Johnson, Krenzer, Norton, Petrak, Pettyjohn, Scherer, Spitler, Stout, Wong and Gibbons. 292, 308, 324.

28....Urges Department of Education and county school districts to provide information to pupils about adoption and financial responsibilities of raising children. Committee on Health and Welfare. 293, 640, 1290, 1307.

*No.* *Summary, Introducer and Page Reference*

29....Urges community agencies to create programs for teenage males and fathers concerning responsible sexual behavior. Committee on Health and Welfare. 293.

30....Requires report on progress and effect of certain required course of instruction. Committee on Health and Welfare. 293, 1458, 1511, 1589, 1661.

31....Urges Department of Education to cooperate in providing education concerning parenting. Committee on Health and Welfare. 294.

32....Directs State Board of Education and boards of trustees of county school districts to study policies and programs for teenagers who are pregnant or parents. Committee on Health and Welfare. 294.

33....Urges Welfare Division of Department of Human Resources to increase providers of obstetric care for pregnant women and teenagers who are medically indigent. Committee on Health and Welfare. 294, 995, 997, 1453, 1486, 1525.

34....Congratulates National Conference of Commissioners on Uniform State Laws on centennial. Committee on Judiciary. 305, 437, 443, 450, 646, 681.

35....Commends Thurman Parsons for his outstanding public service and contributions to State of Nevada. Committee on Legislative Functions and Elections. 322, 337, 354.

36....Commends Harry E. "Bud" Smith for his outstanding public service and contributions to State of Nevada. Committee on Legislative Functions and Elections. 323, 337, 354.

37....Provides that Nevada Legislature agrees that Board of Regents is to consist of 11 members for purpose of redistricting by 66th session of Nevada Legislature. Committee on Legislative Functions and Elections. 331, 579, 581, 1039, 1068.

38....Designates March 22 and 23, 1991, as Nevada 4-H State Capital Days. Dini, Porter, Wendell Williams, Bennett, Gregory, Hardy, Scherer, Bayley, Giunchigliani, Spriggs, McGaughey, Goetting, Myrna Williams, Johnson, Wong, Marvel, Gibbons, Petrak, Anderson, Norton, Evans, Freeman, Carpenter, Lambert, Bache, Haller, Kerns, Little, Krenzer, Bergevin, Garner, Arberry, Stout, Pettyjohn, Heller, Spitler, Humke, McGinness, Elliott, Price, Callister and Sader. 357, 378, 396.

39....Authorizes expenditure from legislative fund for payment of speaker to appear before standing committees of Legislature. Committee on Ways and Means. 387, 444, 547, 560.

40....Designates April 4, 1991, as Nevada REALTORS Day. Price, Dini, Evans, Stout, Petrak, Carpenter, Bennett, Krenzer, Elliott, Kerns, Little, Wendell Williams, Garner, Sader, Haller, Spitler, Arberry, Heller, Bergevin, Callister, Wong, Giunchigliani, Bache, Humke, Anderson, Norton, Bayley, Hardy, Marvel, Goetting, Pettyjohn, Johnson, Gregory, McGinness, Freeman, McGaughey, Gibbons, Lambert, Scherer, Spriggs, Porter and Myrna Williams. 476, 484, 490, 510.

41....Memorializes Nevada native and matriarch Ruth Davis Sullivan. Haller, Anderson, Pettyjohn, Bache, Lambert, Goetting, Freeman, Bergevin, Sader, Callister, Arberry, Price, Gregory, Johnson, Wong, Gibbons, Marvel, Petrak, Bennett, Krenzer, Little, Spitler, Scherer, Garner, Dini, Elliott, Wendell Williams, Spriggs, Hardy, McGaughey, Porter, Norton, Bayley, Carpenter, Myrna Williams, Kerns, McGinness, Heller, Humke, Giunchigliani, Stout and Evans. 477, 484, 490, 510.

42....Memorializes late Assemblyman Marvin M. Sedway. Dini, Evans, Porter, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Price, Bache, Callister, Sader, Bergevin, Freeman, Goetting, Lambert, Arberry, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Garner, Elliott, Little, Carpenter and Stout. 478, 484, 490, 510.

43....Commends NAACP for fostering improved relations with Japanese. Arberry, Wendell Williams, Marvel, Callister, Price, McGinness, Bache, Humke, Evans, Dini, Garner, Myrna Williams, Giunchigliani, Spriggs, Norton, Anderson, Kerns, Gregory, Johnson, Wong, Gibbons, Porter, McGaughey, Bergevin, Freeman, Goetting, Spitler, Lambert, Haller, Pettyjohn, Bayley, Scherer, Hardy, Heller, Krenzer and Bennett. 500, 512, 529.

44....Commends Nevada Parent-Teacher Association. Giunchigliani, Spitler, McGinness, Callister, Johnson, Goetting, Pettyjohn, Anderson, Scherer, Bayley, Freeman, Wong, Krenzer, Petrak, Bennett, Kerns, Stout, Little, Elliott, Norton, Myrna Williams, Spriggs, Hardy, McGaughey, Gregory, Humke, Arberry, Wendell Williams, Dini, Garner, Carpenter, Evans, Price, Porter, Lambert, Bache, Haller, Bergevin, Sader, Gibbons, Marvel and Heller. 513, 524, 544.

45....Memorializes Washoe County deputy sheriff, Lieutenant Glenn Barnes. Gibbons, Dini, Marvel, Stout, Petrak, Carpenter, Bennett, Elliott, Krenzer, Little, Kerns, Wendell Williams, Wong, Johnson, Price, Arberry, Gregory, Callister, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Sader, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Garner, Evans and Porter. 532, 546, 560.

46....Directs Legislative Commission to conduct interim study of procedures for review and approval of proposals for subdivision of land. Committee on Government Affairs. 548, 1920, 1921, 1965, 1974, 2097, 2148.

*No.* *Summary, Introducer and Page Reference*

47....Designates April 18, 1991, as Kiwanis Day in Nevada. McGinness, Evans, Lambert, Haller, Krenzer, Spitler, Goetting, Freeman, Humke, Bergevin, Wendell Williams, Bache, Anderson, Pettyjohn, Scherer, Bayley, Porter, Little, Petrak, Elliott, Bennett, Carpenter, Stout, Marvel, Kerns, Gibbons, Wong, Arberry, Johnson, Myrna Williams, McGaughey, Dini, Norton, Callister, Heller, Garner, Gregory, Sader, Spriggs, Hardy, Price and Giunchigliani. 587, 595, 612.

48....Designates Friday, April 19, 1991, as Sammy Davis, Jr. Day. Arberry, Elliott, Wendell Williams, McGaughey, Callister, Dini, Myrna Williams, Porter, Evans, Price, Giunchigliani, Garner, Heller, Humke, McGinness, Goetting, Spitler, Anderson, Bache, Gibbons, Freeman, Sader, Marvel, Wong, Johnson, Gregory, Kerns, Bennett, Petrak, Krenzer, Haller, Norton, Little, Hardy, Bergevin, Lambert, Pettyjohn, Bayley, Scherer, Carpenter, Stout and Spriggs. 596, 635, 668.

49....Provides for compensation of clergy for services rendered to Assembly and Senate during 66th session of Nevada Legislature. Committee on Legislative Functions and Elections. 597, 635, 668.

50....Memorializes former legislator from Mineral County, Warren E. Johnson. Spriggs, Dini, Garner, Myrna Williams, Elliott, Stout, Little, Bennett, Petrak, Krenzer, Kerns, Evans, Porter, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Anderson, Pettyjohn, Bache, Lambert, Freeman, Bergevin, Sader, Callister, Arberry, Price, Johnson, Gregory, Wong, Gibbons, Giunchigliani, Norton, Hardy, Marvel, McGaughey, Humke, Heller, Goetting and Carpenter. 605, 615, 643.

51....Amends Joint Rules to allow individual legislators to introduce simple and concurrent resolutions. Committee on Legislative Functions and Elections. 607, 638, 1161, 1219.

52....Directs Department of Transportation to exhaust every possibility to avoid closure of certain interstate highway access ramp. Wendell Williams, Arberry, Price, Porter, Callister, Spitler, Bache, Stout, Goetting, Giunchigliani, Norton, Garner and Little. 610, 766, 1290, 1307.

53....Suspends action on budget for Tahoe Regional Planning Agency. Committee on Government Affairs. 618.

54....Grants administrative leave to legislative employees in recognition of their services to 66th session of Nevada Legislature. Price, Dini, Myrna Williams, Arberry, Gregory, Johnson, Wong, Gibbons, Marvel, Kerns, Bennett, Petrak, Wendell Williams, Evans, Porter, McGaughey, Humke, Spitler, McGinness, Haller, Anderson, Pettyjohn, Bache, Lambert, Goetting, Freeman, Bergevin, Sader, Callister, Carpenter, Elliott, Garner, Giunchigliani, Hardy, Heller, Krenzer, Little, Norton, Scherer, Spriggs, Stout and Bayley. 638, 639, 1015, 1016, 1020, 1161, 1219.

55....Commends secretaries for their valuable contributions throughout Nevada. Dini, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong. 646, 672, 694.

56....Commends Brett McGinness for winning Nevada State Spelling Bee. Dini, Myrna Williams, Price, Giunchigliani, Spriggs, Heller, Spitler, Sader, Goetting, Bache, Pettyjohn, Anderson, Bayley, Stout, Little, Bergevin, Freeman, Haller, Lambert, Scherer, Humke, McGaughey, Norton, Hardy, Garner, Petrak, Elliott, Carpenter, Bennett, Krenzer, Kerns, Wendell Williams, Evans, Porter, Arberry, Gregory, Johnson, Wong, Gibbons, McGinness, Marvel and Callister. 693, 714, 736, 799.

57....Directs Legislative Commission to conduct interim study on alternative education for pupils who have been suspended from school for violent acts. Gregory, Scherer, Freeman, Hardy, Heller, Elliott, Carpenter, Wong, Kerns, Petrak, Krenzer, Stout, Price, Garner, Little, Bache, Norton, Anderson, Spitler, Johnson, Bennett, Haller, Bergevin, Bayley, Marvel, Callister, Arberry, Gibbons, Sader, Goetting, Pettyjohn, Lambert, Humke, McGinness, McGaughey, Myrna Williams and Dini. 699.

58....Directs Department of Motor Vehicles and Public Safety to conduct interim study of feasibility of creating uniform traffic citation and complaint form. Committee on Transportation. 699, 981, 982, 1304, 1334.

59....Declares Sparks Hometowne Christmas Parade as official Christmas parade of State of Nevada. Anderson, Evans, Sader, Bergevin, Spriggs, Giunchigliani, Gregory, Pettyjohn, Wong, Johnson, Goetting, Callister, Gibbons, Bennett, Petrak, Bache, Scherer, Norton, Humke, Bayley, McGinness, Haller, Wendell Williams, Garner, Marvel, Stout, Freeman, Lambert, Arberry, Carpenter, Little, Porter, McGaughey, Elliott, Hardy, Price, Kerns, Krenzer, Heller and Dini. 720, 736, 799.

60....Commends Michael Landon for his courage in battle against cancer. Goetting, Stout, Carpenter, Elliott, Little, Garner, Myrna Williams, Giunchigliani, Spriggs, Scherer, Norton, Heller, Hardy, Haller, McGinness, Spitler, McGaughey, Porter, Evans, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Arberry, Sader, Gregory, Bergevin, Freeman, Lambert, Bache, Anderson, Pettyjohn, Bayley, Humke, Price and Dini. 721, 766, 840.

61....Directs Washoe County and cities of Reno and Sparks to conduct study of fiscal equity among those governmental entities in providing public services in Truckee Meadows region. Committee on Government Affairs. 747, 1221, 1223, 1243, 1560, 1562, 1566, 1718, 1846.

62....Directs governing bodies of Washoe County and cities of Reno and Sparks to conduct coordinated study of quantity and quality of water supply in region. Committee on Government Affairs. 747, 1504, 1560, 1562, 1566, 1718, 1846.

*No.* *Summary, Introducer and Page Reference*

63....Directs department of motor vehicles and public safety to conduct interim study of procedure for sale of motor vehicles to satisfy lien for labor, materials and storage. Committee on Transportation. 766, 1503, 1504, 1527, 1893, 2000.

64....Congratulates Clarence Ramsey on his 100th birthday on May 5, 1991. Carpenter, Heller, Myrna Williams, Elliott, Garner, Little, Stout, Petrak, Bennett, Krenzer, Kerns, Evans, Porter, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Anderson, Pettyjohn, Bache, Lambert, Freeman, Bergevin, Sader, Callister, Arberry, Price, Gregory, Wong, Johnson, Gibbons, Giunchigliani, Spriggs, Norton, Hardy, Marvel, McGaughey, Humke, Dini and Goetting. 801, 802, 841, 873.

65....Designates May 7, 1991, as "Hasty Team Day" and commends volunteer work of Washoe County Sheriff's Hasty Team. Gibbons, Sader, Wendell Williams, Bayley, Porter, Elliott, Johnson, Gregory, Hardy, Petrak, Scherer, Anderson, Carpenter, Norton, Spriggs, Heller, Garner, Little, Giunchigliani, Myrna Williams, Marvel, Bennett, Krenzer, Kerns, Arberry, Callister, Evans, McGaughey, Bergevin, Freeman, Humke, Spitler, Goetting, Pettyjohn, Bache, Haller, McGinness, Lambert, Price, Wong, Dini and Stout. 842, 856, 892.

66....Designates Tuesday, May 7, 1991, as Nevada Teachers' Day. Wendell Williams, Dini, Haller, Bache, Johnson, Krenzer, Spitler, Carpenter, Gibbons, Gregory, Hardy, Lambert, Evans, Price, Arberry, Porter, Kerns, Garner, Marvel, Stout, Elliott, Petrak, Bennett, Wong, Callister, McGaughey, Humke, Sader, Bergevin, Freeman, Spriggs, Heller, Norton, Scherer, Bayley, Anderson, Pettyjohn, McGinness, Goetting, Giunchigliani, Myrna Williams and Little. 843, 856, 892.

67....Demands that Tahoe Regional Planning Agency restrict its activities concerning casino projects. Committee on Government Affairs. 846, 847, 1015, 1016, 1020, 1915, 2000.

68....Commends educators from Nevada who have received awards from Milken Family Foundation. Evans, Callister, Little, Anderson, Bennett, Petrak, Freeman, Garner, Scherer, Spriggs, Price, Norton, Heller, Gregory, Johnson, Arberry, Marvel, Krenzer, Wendell Williams, Sader, Bayley, Elliott, Lambert, Myrna Williams, Carpenter, Wong, Hardy, Spitler, Pettyjohn, Kerns, Goetting, Stout, McGinness, Dini, Humke, Bergevin, McGaughey, Gibbons, Porter and Haller. 857, 876, 911.

69....Designates week of May 12 through May 18, 1991, as Heritage Week in Nevada. Committee on Legislative Functions and Elections. 872, 894, 919.

70....Urges Museum of the American Indian to return to Nevada at least one decoy of canvasback ducks excavated from cave near Lovelock, Nevada. Freeman, Kerns, Little, Haller, Spriggs, Wong, Bergevin, Bache, Lambert, Bennett, Krenzer, Gibbons, McGaughey, Bayley, Elliott, Carpenter, Garner, Heller, Spitler, Johnson, Anderson, McGinness, Marvel, Price, Myrna Williams, Dini, Petrak, Sader, Goetting, Callister, Arberry, Gregory, Pettyjohn, Scherer, Norton, Giunchigliani, Stout, Wendell Williams, Humke, Evans, Porter and Hardy. 904, 913, 937.

71....Designates Monday, May 13, 1991, as "Nevada Women in Politics Day." Evans, Myrna Williams, Freeman, Giunchigliani, Krenzer, Lambert, Little and Spriggs. 921, 940, 979.

72....Limits number of requests that may be submitted to Legislative Counsel during interim for drafting and directs Legislative Counsel, Legislative Commission and Committee to Consult with the Legislative Counsel to take all actions necessary to ensure 1,000 bill drafts are completed before 67th session of Nevada Legislature. Committee on Legislative Functions and Elections. 926, 1458, 1459, 1488.

73....Congratulates I. H. Kent Company on its 100th year of continuous operation by Kent family. McGinness, Bayley, Stout, Little, Bergevin, Haller, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Scherer, Spitler, Humke, McGaughey, Sader, Spriggs, Giunchigliani, Norton, Heller, Hardy, Garner, Elliott, Carpenter, Petrak, Bennett, Krenzer, Kerns, Wendell Williams, Evans, Porter, Gregory, Johnson, Arberry, Wong, Gibbons, Marvel, Callister, Price, Dini and Myrna Williams. 940, 955, 1013.

74....Directs Department of Industrial Relations to strengthen its enforcement of law which requires employers to post certain notices and records. Committee on Labor and Management. 941, 1088, 1089, 1094.

75....Congratulates Nevada students on their success in first Nevada History Day competition. Committee on Education. 943, 982, 1036.

76....Directs Department of Industrial Relations to conduct interim study of occupational safety and health standards. Committee on Labor and Management. 983, 1242, 1243, 1251, 1308, 1404.

77....Commends producers, directors and dancers in Mountain Men Ballet. Committee on Government Affairs. 1049, 1122, 1123, 1161, 1219.

78....Urges users of newsprint to use recycled materials. Committee on Natural Resources, Agriculture and Mining. 1049, 1221, 1222, 1225.

79....Directs Legislative Commission to conduct interim study of laws relating to emergencies involving hazardous materials. Committee on Government Affairs. 1049, 1892, 1893, 2097, 2148.

80....Urges Governor to conduct study of whether mandatory kindergarten is desirable or feasible. Committee on Education. 1057, 1474, 1478, 1488, 1489, 1491, 1503.

*No.* *Summary, Introducer and Page Reference*

81....Commends former Assemblyman Paul W. May, Jr., for his extensive private and public service to Nevada. Price, Dini, Myrna Williams, Wong, Elliott, Little, Stout, Carpenter, Garner, Heller, Hardy, Norton, Scherer, Bayley, Haller, Spitler, Sader, Arberry, Bache, Giunchigliani, Callister, Johnson, Krenzer, Anderson, Bennett, Freeman, Petrak, Gibbons, Porter, McGinness, Pettyjohn, Spriggs, McGaughey, Bergevin, Goetting, Evans, Gregory, Kerns, Marvel, Humke, Lambert and Wendell Williams. 1076, 1148, 1185.

82....Commends Tina Nappe for her public service. Committee on Natural Resources, Agriculture and Mining. 1088, 1122, 1185.

83....Directs Department of Motor Vehicles and Public Safety to conduct study of feasibility of establishing provisional drivers' licensing system. Committee on Transportation. 1097, 1245, 1246, 1251, 1914.

84....Commends Jared Barney for his courage in his fight against cancer. Goetting, Giunchigliani, Johnson, Norton, Anderson, Pettyjohn, Humke, Hardy, Wong, Elliott, Marvel, Bache, Price, Carpenter, Porter, Little, Krenzer, Arberry, Freeman, Haller, Lambert, Kerns, McGaughey, Stout, Bergevin, Gibbons, Spriggs, Gregory, McGinness, Bayley, Scherer, Heller, Bennett, Dini, Petrak, Wendell Williams, Garner, Evans, Callister, Myrna Williams, Spitler and Sader. 1123, 1129, 1148, 1185.

85....Directs Legislative Commission to conduct interim study on public elementary and secondary education in this state. Committee on Education. 1124, 1920, 1921, 1965, 1974, 2097, 2148.

86....Congratulates John P. Chisholm on being selected as 1991 Nevada Inventor of the Year and being inducted into Nevada Inventors' Hall of Fame. Humke, McGaughey, Myrna Williams, Haller, Kerns, Spitler, Little, Wendell Williams, Gibbons, Stout, Wong, Dini, Bergevin, Johnson, Price, Arberry, Sader, Giunchigliani, Evans, Krenzer, Garner, Bennett, Carpenter, Freeman, Lambert, Elliott, Bayley, Spriggs, Norton, Goetting, Heller, Petrak, Pettyjohn, Marvel, McGinness, Anderson, Porter, Bache, Scherer, Hardy, Callister and Gregory. 1151, 1161, 1219.

87....Directs Legislative Commission to conduct interim study of feasibility and desirability of lengthening school year. Committee on Education. 1153.

88....Commends Rafael Rivera for discovering Las Vegas Valley. Norton, Giunchigliani, Scherer, Heller, Petrak, Krenzer, Little, Evans, Anderson, Johnson, Bache, Spitler, Haller, Bennett, Porter, Sader, Dini, Garner, Freeman, Price, Myrna Williams, Wendell Williams, Callister, Arberry, Wong, Gregory, Hardy, Elliott, McGinness, Spriggs, Pettyjohn, Gibbons, Bayley, Goetting, McGaughey, Kerns, Carpenter, Marvel, Humke, Stout, Bergevin and Lambert. 1189, 1222, 1287.

89....Directs Legislative Commission to conduct interim study of feasibility of centralized, community-based intensive supervision program for offenders. Committee on Judiciary. 1190.

90....Directs Legislative Commission to study laws governing public records and books. Committee on Legislative Functions and Elections. 1190, 1905, 1916, 2097, 2148.

91....Directs governor to appoint interim commission to study issues facing Hispanic community in Nevada. Giunchigliani, Spitler, Norton, Haller, Bache, Freeman, Lambert, Sader, Callister, Johnson and Little. 1247, 1588, 1589, 1893, 2000.

92....Memorializes former legislative employee, Mary Nichols. Price, Dini, Myrna Williams, Wong, Hardy, Anderson, Haller, Bache, Bayley, Lambert, McGinness, Goetting, Spitler, Pettyjohn, Scherer, Sader, Little, Arberry, Giunchigliani, Krenzer, Johnson, Stout, Elliott, Norton, Carpenter, Petrak, Gibbons, Freeman, Callister, Porter, Gregory, Kerns, Garner, Evans, McGaughey, Bergevin, Spriggs, Heller, Marvel, Bennett, Humke and Wendell Williams. 1265, 1290, 1307.

93....Memorializes renowned Nevada architect, Graham Erskine. Dini, Bache, Myrna Williams, Porter, Heller, Haller, Freeman, Krenzer, Spitler, Arberry, Spriggs, Hardy, Petrak, Evans, Carpenter, Elliott, Little, Garner, Wendell Williams, Kerns, Stout, Marvel, Gibbons, Wong, Goetting, Gregory, Bergevin, Lambert, Anderson, McGinness, Scherer, Johnson, Bennett, Pettyjohn, Giunchigliani, Norton, Bayley, Humke, Sader, McGaughey, Callister and Price. 1277, 1279, 1290, 1307.

94....Memorializes Nevada's first archivist, Frederick Charles Gale. Dini, Bache, Myrna Williams, Porter, Heller, Haller, Freeman, Krenzer, Spitler, Arberry, Spriggs, Hardy, Petrak, Evans, Carpenter, Elliott, Little, Garner, Wendell Williams, Kerns, Stout, Marvel, Gibbons, Wong, Gregory, Bergevin, Goetting, Lambert, Anderson, McGinness, Scherer, Johnson, Bennett, Pettyjohn, Giunchigliani, Norton, Bayley, Humke, Sader, McGaughey, Callister and Price. 1278, 1279, 1290, 1307.

95....Amends Joint Rules to remove certain limitations concerning length of session. Committee on Legislative Functions and Elections. 1279, 1290, 1307.

96....Directs Department of Wildlife to conduct interim study of system used to issue tags for hunting big game. Committee on Natural Resources, Agriculture and Mining. 1309, 1405, 1406, 2133.

97....Directs Legislative Commission to conduct interim study on problems related to fetal alcohol and drug syndrome in Nevada. Committee on Legislative Functions and Elections. 1325.

98....Directs Legislative Commission to conduct interim study of Utility Environmental Protection Act. Committee on Legislative Functions and Elections. 1325, 1326.

99....Directs Legislative Committee on Health Care to consider desirability of regulating utilization review. Committee on Health and Welfare. 1403, 2015, 2016.

*No.* *Summary, Introducer and Page Reference*

100....Amends Joint Rules to provide for briefings regarding interim findings and recommendations of legislative committees. Committee on Legislative Functions and Elections. 1592, 1687, 1688, 1691, 1893, 2000.

101....Memorializes men of USS Nevada who sacrificed their lives in defending their country at Pearl Harbor on December 7, 1941. Gibbons, Price, Hardy, Heller, Myrna Williams, Norton, Giunchigliani, Garner, Little, Elliott, Carpenter, Stout, Petrak, Marvel, Bennett, Krenzer, Wong, Kerns, Johnson, Gregory, Wendell Williams, Evans, Callister, Porter, Sader, McGaughey, Bergevin, Spitler, Goetting, Lambert, McGinness, Bache, Haller, Pettyjohn, Bayley, Anderson, Scherer, Spriggs, Humke, Dini and Freeman. 1692, 1718, 1846.

102....Commends Superintendent and staff of State Printing and Micrographics Division of Department of General Services for services rendered to Nevada Legislature. Dini, Anderson, Pettyjohn, Bache, Lambert, Goetting, Bergevin, Sader, Callister, Gregory, Johnson, Marvel, Arberry, Gibbons, Petrak, Bennett, Krenzer, Kerns, Evans, Humke, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Hardy, Heller, Norton, Spriggs, McGaughey, Myrna Williams, Giunchigliani, Porter, Garner, Little, Elliott, Stout, Carpenter, Price and Freeman. 1704, 1819, 1890.

103....Memorializes Mary Frazzini, former Assemblywoman from Washoe County. Dini, Evans, Elliott, Stout, Carpenter, Garner, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Porter, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Price, Arberry, Callister, Sader, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson and Little. 1848, 1851, 1893, 2000.

104....Memorializes Delbert T. Landing, long-time Carson City resident. Dini, McGaughey, Anderson, Bennett, Krenzer, Little, Bayley, Kerns, Johnson, Heller, Wendell Williams, Gregory, Callister, Arberry, Porter, Giunchigliani, Gibbons, Hardy, Spriggs, Elliott, Myrna Williams, Wong, Freeman, Spitler, Goetting, Humke, Sader, Haller, Marvel, Stout, Scherer, McGinness, Carpenter, Garner, Pettyjohn, Petrak, Bergevin, Evans, Bache, Lambert, Price and Norton. 1849, 1893, 2000.

105....Commends Carol L. Moore on her 30th anniversary with Nevada Assembly. Dini, Price, Bergevin, Marvel, Sader, Humke, Kerns, Arberry, Lambert, McGaughey, Spriggs, Myrna Williams, Callister, Carpenter, Evans, Freeman, Garner, Porter, Wendell Williams, McGinness, Haller, Little, Anderson, Bache, Bayley, Bennett, Elliott, Giunchigliani, Goetting, Gregory, Hardy, Heller, Johnson, Krenzer, Norton, Petrak, Pettyjohn, Scherer, Spitler, Stout, Wong and Gibbons. 1893, 1898, 1915, 2000.

106....Requires legislature to pay from legislative fund premiums for insurance for month of July 1991, for certain temporary employees of legislature and legislative counsel bureau. Committee on Legislative Functions and Elections. 2304, 2317.

## ASSEMBLY RESOLUTIONS

*No.* *Summary, Introducer and Page Reference*

1....Adopts Standing Rules of Assembly for 66th session of Legislature. Dini and McGaughey. 8, 78.

2....Provides allowances for periodicals, stamps, stationery and communications. Committee on Legislative Functions and Elections. 18, 78.

3....Provides for appointment of attachés. Committee on Legislative Functions and Elections. 18, 78.

4....Provides for appointment of additional attaché. Committee on Legislative Functions and Elections. 152, 165.

5....Provides for appointment of additional attachés. Committee on Legislative Functions and Elections. 190, 208.

6....Designates Monday, April 22, 1991, as Old Timers' Day in Assembly. Dini, Price, Giunchigliani, McGinness, Anderson, Humke, Petrak, Wendell Williams, Pettyjohn, Goetting, Heller, Spitler, Myrna Williams, Arberry, Stout, Marvel, Evans, Callister, McGaughey, Freeman, Elliott, Bergevin, Johnson, Norton, Scherer, Carpenter, Wong, Garner, Haller, Bache, Spriggs, Little, Hardy, Gregory, Lambert, Bennett, Krenzer, Kerns, Porter, Bayley, Gibbons and Sader. 606, 643.

7....Provides for appointment of additional attaché. Committee on Legislative Functions and Elections. 1489, 1548.

8....Commends Craig Calvin Page for earning degree of Juris Doctor. Arberry, Kerns, Wendell Williams, Hardy, Heller, Spriggs, Petrak, Norton, Giunchigliani, Myrna Williams, Garner, Little, Elliott, Carpenter, Stout, Marvel, Gibbons, Bennett, Krenzer, Wong, Johnson, Gregory, Price, Evans, Callister, Porter, Sader, McGaughey, Bergevin, Spitler, Freeman, Lambert, McGinness, Pettyjohn, Bayley, Bache, Scherer, Goetting, Anderson, Haller, Humke and Dini. 1724, 1890.

9....Designates certain assemblymen as regular and alternate members of legislative commission. Dini and McGaughey. 1901, 2000.

*No.* *Summary, Introducer and Page Reference*

10....Commends attachés of Assembly for their dedicated service during the 66th session of the Nevada Legislature. Dini, McGaughey, Anderson, Bache, Johnson, Gibbons, Bennett, Evans, Scherer, Little, Krenzer, Bayley, Pettyjohn, Lambert, Hardy, Haller, Spriggs, Stout, Carpenter, Elliott, Freeman, Bergevin, Humke, Spitler, McGinness, Sader, Callister, Arberry, Price, Marvel, Gregory, Wong, Petrak, Kerns, Wendell Williams, Porter, Myrna Williams, Giunchigliani, Heller, Norton, Garner and Goetting. 1972, 2066.

# LISTING OF SENATE BILLS

(For summaries of Senate Bills see Senate Journal.)

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355....864, 872, 1050, 1056, 1067, 1097, 1130, 1156, 1172,* 1308, 1333, 1418, 1551, 1661.

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357....546, 551, 643, 666, 680, 692,* 733.
360....672, 674, 1015, 1020, 1032, 1056, 1075,* 1148, 1158.
361....1337, 1338, 2097, 2102, 2106, 2205, 2220, 2227,* 2230, 2280.
362....683, 685, 1905, 1907, 1909, 1976, 2015, 2018,* 2068, 2098.
364....714, 718, 2096, 2106, 2128, 2130,* 2131, 2278.
366....1243, 1244, 1554, 1556, 1592, 1621,* 1819, 1846.
367....1169, 1405, 1409, 1411, 1432, 1442,* 1525.
369....1686, 1687, 1905, 1907, 1911, 1953,* 2023.
372....1409, 2220, 2221, 2228, 2236, 2246,* 2258, 2289.
374....460,* 488.
380....801, 804, 1419, 1424, 1429, 1442,* 1525.
382....683, 685, 1089, 1097, 1119, 1130, 1156, 1172,* 1240.
383....2068, 2069.
384....484, 485, 486,* 497.
386....871, 872.
389....714, 718.
390....714, 718, 904, 907, 909, 915,* 952.
391....714, 718.
393....615, 620, 1336, 1338, 1368, 1411,* 1451.
395....1686, 1687, 1864, 1869, 1893, 1912, 1953,* 2082, 2091, 2145, 2213, 2236.
396....961, 964, 1242, 1251, 1262, 1270,* 1279, 1302.
400....2068, 2069.
402....1265, 1281, 1488, 1493, 1497, 1501, 1560, 1565, 1566,* 1607.
404....1020, 1036, 1419, 1424, 1429, 1442,* 1525.
412....2289, 2290,* 2296.
413....2068, 2069, 2078, 2102, 2121, 2205, 2208, 2215,* 2220, 2317.
416....1243, 1244, 2011, 2013, 2026, 2029,* 2132, 2164, 2280, 2292, 2297.
417....904, 907, 1444, 1445, 1449, 1497,* 1551, 1569.
419....936, 1965, 1966, 1968, 2015, 2019,* 2068, 2098.
420....1831, 1832, 2134, 2151, 2209, 2217,* 2220.
438....801, 804, 2152, 2209, 2219, 2220.*
439....910, 911, 1069, 1079, 1085, 1097, 1130, 1150, 1247, 1250, 1295, 1322,* 1589, 1667, 1819, 2074, 2081, 2148.
441....2068, 2069, 2081, 2087, 2089, 2093, 2095,* 2096, 2132, 2278.
442....894, 896, 1087, 1097, 1119, 1156, 1172, 1188, 1193, 1194,* 1308, 1334.
443....766, 768, 1336, 1338, 1368, 1412,* 1451.
444....910, 911, 1264, 1277, 1284, 1290, 1319,* 1416.
445....1218, 1219, 1454, 1458, 1474, 1498, 1501, 1553,* 1608, 1661.
446....1161, 1289, 1290, 1294, 1319,* 1416.
449....841, 849.
453....766, 768, 939, 943, 947, 960,* 1036.
454....841, 849, 939, 943, 947, 960,* 1036.
455....766, 768, 1336, 1338, 1368, 1412,* 1451.
456....1692, 1718, 1729, 1734, 1823,* 1914.
457....1475, 1704, 1705, 1708, 1723, 1823,* 1914.
460....1122, 1267, 1277, 1285, 1290, 1319, 1320,* 1416.
462....1539, 1548, 1575, 1578, 1584, 1590, 1615, 1622,* 1717.
463....1036, 1438, 1445, 1449, 1457, 1501, 1502, 1553, 1592, 1621,* 1819, 1846.

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464....1148, 1150, 1264, 1277, 1285, 1290, 1304, 1322, 1324,* 1416.
466....1686, 1687, 1693, 2235, 2236, 2247,* 2258.
467....1576, 1577.
469....904, 907, 2111, 2128, 2207,* 2220, 2280.
471....904, 907, 1121, 1132, 1145, 1156, 1173, 1174,* 1240.
472....1277, 1281, 1589, 1606, 1905, 1907, 1911, 1954,* 2023.
473....1590, 1999, 2015, 2019,* 2068, 2098.
476....936, 1336, 1338, 1369, 1412* 1451.
477....2068, 2069, 2266, 2269, 2271, 2281, 2282, 2283,* 2288, 2297.
480....936.
483....1265, 1281.
486....1079, 1081.
490....1590.
491....1265, 1281, 1415, 1432, 1442, 1443,* 1525.
492....1409, 1588, 1614, 1665,* 1817.
493....894, 896, 1336, 1338, 1369, 1412,* 1451.
494....1562, 1563.
495....1967, 2304, 2306, 2309,* 2310, 2317.
497....1692, 1693, 1818, 1831, 1835, 1912, 1954,* 1955, 2025, 2066.
498....1243, 1244.
499....1148, 1150, 1405, 1409, 1411, 1432, 1443,* 1525.
500....2132, 2141, 2167, 2209, 2220.*
501....2205, 2206.
502....1475.
503....1148, 1150, 2134, 2151, 2209, 2217,* 2220, 2280.
505....894, 896, 1019, 1020, 1035, 1041,* 1042, 1068.
506....904, 907, 1160, 1174, 1177, 1188, 1223, 1704, 1705, 1708, 1823, 1824,* 2003, 2023.
508....1445, 1526, 1530, 1538, 1553, 1573, 1578, 1621,* 1819, 1846.
509....1291, 1405, 1409, 1411, 1432, 1443,* 1525.
510....1045, 1245, 1251, 1262, 1270,* 1279, 1302.
514....2205, 2207, 2281, 2282,* 2288.
515....1831, 1833, 2134, 2151, 2209, 2218.*
516....1475, 1892, 1898, 1901, 1955,* 2023.
517....936.
521....1243, 1244.
524....961, 965, 1245, 1251, 1262, 1270,* 1279, 1302.
525....1445, 1554, 1559, 1577,* 1578, 1661.
526....1243, 1244, 1418, 1424, 1429, 1457,* 1551, 1561, 1608, 1697, 1719, 1890.
528....1475, 1704, 1705, 1708, 1723, 1824,* 1825, 1914.
529....1277, 1281, 2031, 2032, 2035, 2036, 2042,* 2132, 2317.
532....1306, 1405, 1409, 1411, 1432, 1441, 2020, 2022, 2026, 2029, 2111, 2207,* 2220, 2280.
533....1169, 1289, 1290, 1294, 1320,* 1416.
535....1562, 1563, 1720, 1729, 1734, 1825, 1830,* 1914.
538....1057, 1068, 1966, 1969, 2266.
539....1686, 1687.
540....1445, 1550, 1554, 1559, 1578,* 1661.
541....1967, 2032, 2035, 2036, 2042,* 2148.
544....1148, 1150, 1437, 1445, 1449, 1498, 1501, 1576, 1592, 1614, 1621, 1623,* 1819, 1846.
546....1424, 1437, 1445, 1449, 1456, 2266.
547....1475, 2011, 2013, 2026, 2030,* 2097, 2148.
548....1967, 2011, 2014, 2026,* 2148.

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551....1265, 1281, 1405, 1409, 1411, 1418, 1898, 1902, 1977, 1978,* 2068, 2098.
552....2068, 2069, 2092, 2093, 2094, 2128, 2131,* 2228, 2319.
554....985, 987, 1267, 1277, 1285, 1287, 1438, 1445, 1451, 1498, 1502,* 1608, 1660, 1718, 2125, 2132, 2319.
555....2025.
557....1527, 1528.
558....1831, 1833, 1920, 1954, 1962, 1978,* 2066.
559....2257, 2258.
562....1265, 1282, 1526, 1530, 1538, 1578,* 1663, 1685.
564....1148, 1150, 1337, 1338, 1369, 1432, 1443,* 1527, 1548.
568....1409, 1410, 2288, 2290, 2291,* 2296.
570....1424, 1816, 1821, 1863, 1912, 1955,* 2023.
572....1277, 1282, 1335, 1338, 1369, 1412,* 1451.
573....1277, 1282, 1617, 1620, 1660, 1665,* 1817.
574....1718, 1721, 1954, 1962, 1971, 2005, 2008, 2026, 2030,* 2132, 2278.
576....1277, 1282, 1662, 1667, 1678, 1723, 1830,* 2003, 2023.
577....1169, 1170.
578....1409, 1410, 1664, 1667, 1678, 1723, 1830,* 2003, 2023.
583....1265, 1282, 1289, 1290, 1295, 1320,* 1416.
587....1265, 1282, 1526, 1530, 1539, 1554,* 1607.
588....2150, 2297, 2302,* 2305.
589....1161, 1405, 1409, 1411, 1432, 1443,* 1525.
591....1424, 1680, 1723, 1830,* 2025, 2066.
593....1291, 1417, 1424, 1431, 1444,* 1525.
594....1445, 1662, 1667, 1679, 1723, 1830, 1831,* 2003, 2023.
596....1409, 1410, 1965, 1966, 1969, 2015, 2019,* 2068, 2098.
597....2289, 2290.
598....1291, 1335, 1337, 1369, 1413,* 1451.
601....1424, 1425, 1437, 1445, 1450, 1457,* 1548.
602....2025, 2035, 2036, 2043,* 2148.
603....1291, 2099, 2128, 2129, 2180, 2266.
605....1325, 1326.
606....1306, 1617, 1620, 1660, 1665, 1666,* 1817.
607....1692, 1693, 1718, 1729, 1734, 1831,* 1914.
609....1475, 1573, 1578, 1584, 1621,* 1622, 1819, 1846.
610....1686, 1687, 1954, 1962, 1978,* 2066.
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611....1576, 1577, 1966, 1979, 1995, 2015, 2019,* 2097, 2232, 2280, 2299, 2304.
613....1291.
614....1475, 1476, 1617, 1620, 1660, 1666,* 1817.
615....1475, 1476, 1853, 1861, 1868, 1912, 1955,* 2023.
618....1409, 1410, 1437, 1445, 1450, 1476,* 1548.
620....1617, 1905, 1907, 1912, 1956,* 2023.
621....1831, 1833, 2024, 2032, 2035, 2271.
622....1475, 1476, 1614, 1620, 1660, 1686, 1722, 1727, 1863, 1912, 1956,* 2016, 2066.
623....1562, 1563, 1847, 1861, 1868, 1912, 1956,* 2023.
624....2205, 2207.
626....1445, 1446, 2111, 2128, 2130, 2207, 2208,* 2220, 2280.
627....1445, 1446, 1530, 1539, 1554,* 1607.
630....2304, 2307, 2310, 2311,* 2317.
631....1576, 1577, 2032, 2035, 2036, 2042,* 2148.
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637....1686, 1687, 1905, 1907, 1912, 1956,* 2023.
638....1724, 1978, 1979, 2005, 2026, 2038,* 2148.
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642....2150.
644....1967, 2011, 2014, 2026, 2027,* 2148.
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648....2081, 2082, 2087, 2090,* 2092, 2148.
650....2081, 2235, 2236, 2247, 2257,* 2258, 2319.
651....2068, 2070.
652....2280, 2288, 2302.
653....2270, 2272, 2278,* 2319.
654....2280, 2288, 2302.
655....2132, 2141, 2146, 2151, 2209, 2218,* 2219, 2220, 2280, 2319.
656....2149, 2150, 2167, 2209, 2220.*
657....2280, 2288, 2290, 2291, 2305,* 2317.
658....2280, 2288, 2290, 2291,* 2296, 2319.
659....2280.
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661....2257, 2258.
662....2289, 2290.
663....2289, 2290.

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5....132, 133, 136,* 147.
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7....587, 589, 1015, 1020, 1035, 1041, 1042,* 1068.
9....326, 327, 856, 865, 872, 879,* 919.
13....1045.
15....864, 871, 1242, 1251, 1262, 1270, 1271,* 1279, 1302.
17....1020, 1036, 1264, 1277, 1287, 1290, 1320.*
18....1079, 1080, 1289, 1290, 1295, 1322,* 1438, 1451.
20....1079, 1080, 1818, 1831, 1837, 1863, 1912, 1956, 1957,* 2023.
21....1218, 1219, 2021, 2026, 2030, 2031,* 2097, 2148.
22....1265, 1280, 1335, 1338, 1369, 1413,* 1451.
23....1527, 1575, 1578, 1585, 1592, 1622,* 1717.
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13....118, 119, 159, 173, 186, 196,* 208.
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6....119, 230, 234, 259.
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24....207, 228.
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27....331, 354.
28....714, 722, 875, 876, 879, 911.
29....342, 343, 364.
30....344, 364.
31....408, 435.
32....417, 425, 447.
33....491, 520.
34....697, 700.
35....683, 684, 925, 926, 979.
36....2097, 2098, 2099, 2101, 2131, 2278.
37....638, 639, 681.
38....673, 1151, 1152, 1219.
40....736, 840.
41....747, 840.
43....2097, 2098, 2099, 2101, 2131, 2278.
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45....906, 937.
47....917, 952.
48....926, 979.
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54....2097, 2098, 2099, 2101, 2131, 2278.
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59....2097, 2098, 2099, 2101, 2131, 2278.
60....1423, 1487.
61....1551, 1723, 1724, 1890.
62....1686, 1720, 1890.
63....1680, 1817.
65....1719, 1890.
67....1851, 1852, 2000.
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70....2068, 2069, 2092, 2278.
71....2112, 2131, 2278.
72....2205, 2206, 2230.
73....2229, 2230.

## ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

### Sixty-sixth Session, 1991

| *Title* | *Name* | *Mailing Address* |
|---|---|---|
| Speaker | Joseph E. Dini, Jr. | 104 N. Mountain View, Yerington 89447 |
| Speaker pro Tempore | Myrna T. Williams | 3441 Sioux Way, Las Vegas 89109 |
| Chief Clerk | Mouryne B. Landing | P.O. Box 138, Carson City 89702 |

## PERSONNEL OF THE NEVADA STATE ASSEMBLY

### Sixty-sixth Session, 1991

| *District* | *Name and Party* | *Mailing Address* |
|---|---|---|
| Carson City (part), Washoe (part), No. 37 | Elliott, Joe A. (R) | 1395 Brenda Way, Carson City 89704 |
| Carson City (part), No. 40 | Heller, Dean A. (R) | 1520 Andorra Dr., Carson City 89703 |
| Clark, No. 1 | Callister, Matthew Q. (D) | 823 Las Vegas Blvd. South, Las Vegas 89101 |
| Clark, No. 2 | Scherer, Scott (R) | 5501 Kettering Place, Las Vegas 89107 |
| Clark, No. 3 | Krenzer, Saundra (D) | 4304 Las Lomas Ave., Las Vegas 89102 |
| Clark, No. 4 | Goetting, Bradley (Brad) I. (R) | 1644 Shadow Mountain Place, Las Vegas 89108 |
| Clark, No. 5 | Gregory, William (Bill) D. (R) | 8916 Coastwalk Circle, Las Vegas 89117 |
| Clark, No. 6 | Williams, Wendell P. (D) | 2200 Canary Way, Las Vegas 89106 |
| Clark, No. 7 | Arberry, Morse, Jr. (D) | 425 Lass Circle, North Las Vegas 89030 |
| Clark, No. 8 | Porter, Gene T. (D) | 302 E. Carson Ave., 4th Floor, Las Vegas 89101 |
| Clark, No. 9 | Giunchigliana, Christina (Chris) R. (D) | 706 Bracken Ave., Las Vegas 89104 |
| Clark, No. 10 | Williams, Myrna T. (D) | 3441 Sioux Way, Las Vegas 89109 |
| Clark, No. 11 | Bache, Douglas A. (D) | 2236 Melinda Ave., Las Vegas 89101 |
| Clark, No. 12 | Norton, John L. (D) | 1305 S. 17th St., Las Vegas 89104-1809 |
| Clark, No. 13 | McGaughey, James W. (R) | P.O. Box 81468, Las Vegas 89180 |
| Clark, No. 14 | Garner, Val Z. (D) | 4917 E. Monroe Ave., Las Vegas 89110 |

| *District* | *Name and Party* | *Mailing Address* |
|---|---|---|
| Clark, No. 15 | Wong, Robert (Bob) A. (R) | 3019 Topaz St., Las Vegas 89121 |
| Clark, No. 16 | Bennett, Rick C. (D) | 1824 Misty Glade Dr., Las Vegas 89119 |
| Clark, No. 17 | Price, Robert (Bob) E. (D) | P.O. Box 3759, North Las Vegas 89030 |
| Clark, No. 18 | Petrak, William A. (D) | 3435 Lost Hills Dr., Las Vegas 89122 |
| Clark, No. 19 | Little, Patricia (Pat) L. (D) | 3504 Flower Ave., North Las Vegas 89030 |
| Clark, No. 20 | Hardy, Warren B. (R) | 3162 Las Vegas Blvd. North, Las Vegas 89115 |
| Clark, No. 21 | Pettyjohn, J. Coy (R) | 314 Espalda Court, Henderson 89014 |
| Clark, No. 22 | Stout, Phil (R) | 601 Barron Court, Henderson 89015 |
| Clark, No. 41 | Spitler, Larry L. (D) | 1701 E. Katie Ave., No. 93, Las Vegas 89119 |
| Clark, No. 42 | Bayley, John W. (R) | 4260 White Sands Ave., Las Vegas 89121 |
| Douglas (part), No. 39 | Bergevin, Louis W. (R) | P.O. Box 188, Gardnerville 89410 |
| Elko, Eureka (part), No. 33 | Carpenter, John C. (R) | P.O. Box 190, Elko 89801 |
| Esmeralda, Lincoln, Mineral, Nye, No. 36 | Spriggs, Gaylyn J. (R) | P.O. Box 610, Hawthorne 89415 |
| Humboldt, Pershing, Lander (part), Washoe (part), No. 34 | Marvel, John W. (R) | P.O. Box 1270, Battle Mountain 89820 |
| Lyon, Storey, Churchill (part), Douglas (part), No. 38 | Dini, Joseph E., Jr. (D) | 104 N. Mountain View, Yerington 89447 |
| Washoe, No. 23 | *Gibbons, Dawn T. (R) | 2535 Kinney Lane, Reno 89511 |
| Washoe, No. 23 | **Gibbons, James (Jim) (R) | 2535 Kinney Lane, Reno 89511 |
| Washoe, No. 24 | Freeman, Vivian L. (D) | 1665 Carlin St., Reno 89503 |
| Washoe, No. 25 | Kerns, Bob L. (R) | 1955 LaFond Dr., Reno 89509 |
| Washoe, No. 26 | Humke, David E. (R) | P.O. Box 70656, Reno 89570 |
| Washoe, No. 27 | Haller, Kenneth (Ken) L. (D) | 1611 Clemson Rd., Reno 89502-3108 |
| Washoe, No. 28 | Johnson, Joseph L. (D) | P.O. Box 8855, Reno 89507-8855 |
| Washoe, No. 29 | Lambert, Joan A. (R) | 55 Bitterbrush Rd., Reno 89523 |
| Washoe, No. 30 | Evans, Jan (D) | 3250 Wilma Dr., Sparks 89431 |
| Washoe, No. 31 | Anderson, Bernie (D) | 747 Glen Meadow Dr., Sparks 89434 |
| Washoe, No. 32 | Sader, Robert M. (D) | 462 Court St., Reno 89501 |
| White Pine, Churchill (part), Eureka (part), Lander (part), No. 35 | McGinness, J. Mike (R) | 770 Wildes Rd., Fallon 89406 |

*Assemblyman Dawn Gibbons served from January 22, 1991 to April 16, 1991.
**Assemblyman James Gibbons received Oath of Office on April 16, 1991.

# ATTACHÉS OF THE NEVADA STATE ASSEMBLY

## Sixty-sixth Session, 1991

| *Name* | *Title* | *City of Residence* |
|---|---|---|
| Carol L. Moore | Assistant Chief Clerk | Carson City |
| Joan E. Anderson | History Clerk | Sparks |
| Joan Babic | Journal Clerk | Carson City |
| Jane Gill | Minute Clerk | Carson City |
| Michael Barclay | Sergeant at Arms | Las Vegas |
| Charles Van Geel, Jr. | Assistant Sergeant at Arms | Reno |
| Juliana Baker | Page | Reno |
| Jill Erickson | Page | Carson City |
| Jason Hataway | Page | Carson City |
| Jennifer Meredith | Page | Carson City |
| Scott Ruedy | Page | Carson City |
| Shawn Ruedy | Page | Carson City |
| Pat Hatch | Supervisor of Secretarial Staff | Reno |
| Christine Shaw | Assistant Supervisor | Carson City |
| Betty Day | Speaker's Secretary | Silver Springs |
| Carol Martini | Speaker pro Tempore's Secretary | Carson City |
| Cindy Southerland | Majority Leader's Secretary | Carson City |
| Kay Graves | Minority Leader's Secretary | Carson City |
| Laverna Marwin | Leadership Receptionist | Yerington |
| Carolyn Maynick | Chief Clerk's Secretary | Carson City |
| Patricia Baltz | Committee Secretary | Minden |
| Iris Bellinger | Committee Secretary | Silver Springs |
| Becky Boatwright | Committee Secretary | Yerington |
| Sharon Burnham | Committee Secretary | Carson City |
| Donna Calhoun | Committee Secretary | Minden |
| Marilyn Cole | Committee Secretary | Gardnerville |
| Lula Collins | Committee Secretary | Las Vegas |
| Reba Coombs | Committee Secretary | Carson City |
| Barbara Doke | Committee Secretary | Minden |
| Dale Gray | Committee Secretary | Reno |
| Sherree Koehler | Committee Secretary | Sparks |
| Dianne Laird | Committee Secretary | Carson City |
| Patricia McDaniel | Committee Secretary | Gardnerville |
| Launa Martin | Committee Secretary | Carson City |
| Pat Menath | Committee Secretary | Carson City |
| Laura Pabon | Committee Secretary | Gardnerville |
| Susan Packard | Committee Secretary | Reno |
| Kathy Pereos | Committee Secretary | Reno |
| Cheryl Thurston | Committee Secretary | Carson City |
| Marcia Warne | Committee Secretary | Carson City |
| Marcelene Wehry | Committee Secretary | Sparks |
| Betty Wills | Committee Secretary | Dayton |
| Martha Bowers | Secretary | Carson City |
| Janet Busse | Secretary | Minden |
| April Carino | Secretary | Minden |
| Kathleen Day | Secretary | Carson City |
| Carol Dickerson | Secretary | Reno |
| Maureen Francisco | Secretary | Carson City |
| Judy Gyarmathy | Secretary | Carson City |

| *Name* | *Title* | *City of Residence* |
|---|---|---|
| Frances Hill | Secretary | Carson City |
| Colleen Janes | Secretary | Carson City |
| Constance Lewis | Secretary | Carson City |
| Paulette Simpson | Secretary | Las Vegas |
| Marlene Staub | Secretary | Carson City |
| Donna Watt | Secretary | Carson City |
| Lucinda Benjamin | Data Entry Operator | Schurz |
| Kimberly Fry | Reproduction Operator | Gardnerville |
| Sally Dunfield | Supervisor of Bill Clerks | Carson City |
| Lavelle Johnson | Supervisor of Bill Clerks | Carson City |
| Mary Carel | Assistant Supervisor of Bill Clerks | Carson City |
| Morse Burley | Bill Clerk | Carson City |
| James Coffin | Bill Clerk | Las Vegas |
| Edward Cordisco, Jr. | Bill Clerk | Carson City |
| Melvin Cowperthwaite | Bill Clerk | Carson City |
| Linda Cummings | Bill Clerk | Dayton |
| Mark Hess | Bill Clerk | Virginia City |
| Marian Howard | Bill Clerk | Winnemucca |
| Reid Meyer | Bill Clerk | Carson City |
| Mike Pintar | Bill Clerk | Carson City |
| Shanna Pozzi | Bill Clerk | Carson City |
| Mike Richardson | Bill Clerk | Reno |
| Julene Smith | Bill Clerk | Carson City |

# Journal

OF THE

# ASSEMBLY OF THE STATE OF NEVADA

---

SIXTY-SIXTH SESSION

---

## THE FIRST DAY

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CARSON CITY (Monday), January 21, 1991

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Cheryl Lau at 12 noon.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, here we are again. We thank You for bringing us together and pray for the new session ahead of us. As today we honor Dr. King and his dream, we too have dreams. May You honor our dreams only as we honor You in them. Especially are we mindful of our loved ones serving us in the Middle East. Our dream is that this will soon conclude. Hear us, Lord. Please. AMEN.

Presentation of Colors by Boy Scout Honor Guard, Boulder Dam Area Council.

AMERICANISM

A Is for Advantage;
We have so many more
Because we are Americans;
Let's give thanks therefore.

M Is for Majority,
Decision by the most;
That's the rule we follow
From coast to rugged coast.

E Is for Education,
Available to all;
So every last American
Stands up straight and tall.

R Is for Religion,
We worship as we will;
A right we'll always cherish
And let no evil kill.

I Is for Independence,
That our fathers once declared;
Our nation rose to greatness
Because there brave men dared.

C Is for Citizenship,
Of which we are proud;
So let's proclaim it daily
And do it long and loud.

A Is for Assembly,
To gather as we might;
That's another privilege,
Another precious right.

N Is for the News,
A press that's always free;
A sentinel on watch
To guard our Liberty.

I Is for Impartial,
Equal justice for us all;
Laws the same for everyone,
The great, the poor, the small.

S Is for our Speech;
Though others disagree,
You may still express yourself
Because our speech is free.

M Is for our Motto,
And that is why we say:
"In God We Trust," to live
The good American way.

Pledge of allegiance to the Flag.

Madam Secretary of State requested Mrs. Mouryne B. Landing to serve as temporary Chief Clerk of the Assembly.

Roll called.

Present: Assemblymen Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Dini, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong.

Madam Secretary of State appointed Assemblymen Myrna Williams, Price, Dini, Evans, Garner, Porter, Sader, Bergevin, Humke, Lambert, McGaughey, Pettyjohn and Scherer as a temporary Committee on Legislative Functions and Elections.

Assembly in recess at 12:09 p.m.

## ASSEMBLY IN SESSION

At 12:46 p.m.

Madam Secretary of State presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Madam Secretary of State:*

Your Temporary Committee on Legislative Functions and Elections has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified Members of the Assembly of the 66th Session of the Legislature of the State of Nevada: Assemblymen Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Dini, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong.

MYRNA WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved the adoption of the report.

Motion carried unanimously.

Madam Secretary of State appointed Assemblymen Freeman and Porter as a committee to escort Chief Justice John C. Mowbray of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Mowbray administered the oaths of office to the Assemblymen.

Assemblyman Little moved that Chief Justice Mowbray be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Roll called.

Present: Assemblymen Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Dini, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong.

Madam Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Madam Secretary of State declared that nominations were in order for Speaker.

Assemblyman Porter nominated Assemblyman Dini for Speaker.

Assemblyman Evans moved that nominations be closed.

Motion carried unanimously.

Madam Secretary of State declared Assemblyman Dini to be Speaker of the Assembly.

Madam Secretary of State appointed Assemblymen Myrna Williams and Callister as a committee to escort Mr. Speaker to the rostrum.

Mr. Speaker presiding.

Assemblyman Lambert moved that Secretary of State Lau be given a unanimous vote of thanks for her services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblymen Bergevin and Spriggs as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Lau to the bar of the Assembly.

Remarks by Mr. Speaker.

Assemblyman Porter requested that Mr. Speaker's remarks be entered in the Journal.

Thank you. As we embark on our mission here at the 1991 Legislative Session, we need to pause, and keep those Americans on a different mission in our thoughts and in our prayers. They include a member of our own house, Assemblyman Jim Gibbons. Please join me in a moment of silence to remember the courageous servicemen and women in the Persian Gulf, their valor and the uncertainty which they face.

My warmest welcome, Assemblymen and women of the Sixty-sixth Session of the Nevada State Legislature. And congratulations. I know how hard you've worked to get here and I know how proud your family and friends are of you today. I feel a genuine electricity in the air.

As the class of 1991, we face crucial issues, and major challenges. From reapportionment to an innovative budget hearing process and more, the 1991 Session will make a lasting imprint on Nevada's future.

In accepting the Speakership, I'd like to reflect on my first opening day in January, 1967. None of you were here then, but I was.

On the national scene, Lyndon Johnson's State of the Union message focused on raising taxes to support his "Great Society." And NASA's Apollo space program was on the verge of putting man on the moon, when a tragic launching pad fire claimed the lives of astronauts Grissom, White and Chaffee. In true American fashion the agency redoubled its efforts and soon achieved its goal. How typical of this great country those actions were.

To be sure, 1967 was a year for firsts. Dr. Christian Barnard performed the first heart transplant, CBS introduced the first electronic video recording, the first shock absorbing bumper for cars hit the market and amazing as it seems, 1967 was the year of the first Super Bowl, like this one, minus a true western team.

And it sure is a different economy in 1991 than it was in 1967. You could buy a brand new, full-sized Chrysler Newport for $2,895.00 down here in Carson City. Today you're looking at $15–$20,000.00 for an equivalent car.

In 1967 a person could pick up a pair of Levi's for less than $10, three pounds of hamburger down at Safeway for a dollar and incredibly, New York steak for 98 cents a pound.

And on those "infrequent" occasions in 1967 when lawmakers got headaches here at the Legislature, they cured them by purchasing economy sized bottles of 250 aspirin for a whopping 29 cents.

While change is to be expected, we here in Nevada have seen more than our share of it. That's due in part to the fact we are the fastest growing state in this nation.

Our 1967 population of about 400,000 residents has tripled in my time in the Assembly to more than 1.2 million today.

Then there's the budget. The one considered by the 1967 legislature was about $125 million. Some of our agencies receive more than that now. Compare that with the budget we're facing. It's in the $4 billion range.

More evidence of how much Nevada has changed can be seen in a January 22, 1967, front page story in the Las Vegas Review Journal. Its headline proclaimed "No Water Fight Here." My how things have changed, or have they?

As noted linguist Yogi Berra once said, "It's deja vu all over again," for there are many similarities between 1967 and 1991. They start with global uncertainties.

I remember sitting in this very chamber in January, 1967, with deep personal concern for Americans abroad. The fighting then took place not in the Iraqi desert, but the Mekong Delta.

Here in Carson City there are parallels as well. In 1967 we had the largest class of freshman legislators in state history. Today, more than half the lawmakers here weren't Assembly members just two years ago.

And the issues themselves are much the same. The biggest concerns we dealt with in 1967 were: education, taxes, north/south factionalism; shortening legislative sessions; the question of annual sessions, highway construction and the very biggest problem of all . . . one which State Senator Jim Bailey summed up in one word, "finances."

Today's predominate issues still include finances, education, highways, legislative reform, regionalism and taxes, along with health care, insurance, prisons, senior citizens and water, so they are not all that different.

This Assembly must deal effectively with them and that all comes down to how well each of us individually copes with the many bills which we will hear.

Let me relate a story which makes my point. A man and his son were going down a road one hot day, the boy riding the family burro and the father walking alongside. They came upon a man who told them that burros were ideally adapted for hot weather and that they could both ride on the burro. They took his advice and did so.

A little further down the road, they came upon another man who scolded them saying it was too hot for anyone, much less two people, to ride a burro on such a day.

So the man and son got off the burro and walked. Later they came to a bridge where a third man warned them that burros were afraid of water and suggested they carry the animal over the bridge. They took his advice, tied the beast's front legs together and its back legs together, running a pole between its legs. They started carrying the burro upside down, but it was too heavy and when in the middle of the crossing, the bridge collapsed and sent all three into the water. The man and his son scrambled safely to the bank, but unfortunately the poor burro, legs tied together, drowned.

The moral of this story is you can lose your burro trying to please everyone, so don't try.

The people of Nevada who sent us here expect each one of us to be up to speed on these issues and pass laws which are good for the state, and they deserve no less.

This is a time for hard work and I'd like to take a moment to remember one of Nevada's all time hardest working legislators, someone who isn't with us here today, Assemblyman Marvin Sedway.

Make no mistake about it. Dr. Sedway was intense and he was tough. But what stands out most in my mind was that Marvin Sedway did his homework and he was prepared. He was a tireless worker and a passionate supporter of everyday people. He set an excellent example for us, so please join me in honoring him with a moment of silence here today.

In accomplishing your work, what's critical is to remember we must set aside regional issues and make doing what is best for all of Nevada our top priority.

In closing I would like to leave you with a few words which I think make a good deal of sense.

They come not from some recognized management analyst or an ancient, sage philosopher, but I don't think that makes them any less meaningful. They're found in Robert Fulghum's book, "All I really need to know I learned in Kindergarten."

They're based on the belief that wisdom lies not in walls full of graduate degrees as much as in basic rules which have guided us since our early years telling us to:

Share everything . . .

Play fair . . .

Don't hit people . . .

Put things back where you found them . . .

Clean up your own mess . . .
Don't take things that aren't yours . . .
Say you're sorry when you hurt somebody . . .
Wash your hands before you eat . . .
Always flush . . .
Warm cookies and cold milk are good for you . . .
Live a balanced life—learn some and think some and draw and paint and sing and dance and play and work every day some . . .
Take a nap every afternoon (but I might suggest not here on the floor) . . .
When you go out into the world, watch out for traffic, hold hands and stick together . . .
And lastly, be aware of wonder . . .

On that final topic I'm reminded what Harry Truman once said about legislative duty. "For the first several months of legislative service you may wonder how you got here—after the next several months you'll wonder why you stay here!"

I'm deeply honored to serve you as Speaker of the Assembly. Again, congratulations on your election, welcome to the Assembly, best wishes for a successful session and may God bless you and yours. Thank you.

A committee from the Senate composed of Senators Horn, Titus, O'Donnell and Getto appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblyman Callister nominated Assemblyman Myrna Williams for Speaker pro Tempore.

Assemblyman Sader moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblyman Myrna Williams to be Speaker pro Tempore of the Assembly.

Remarks by Madam Speaker pro Tempore.

Assemblyman Porter requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. I also wish to thank Mr. Callister. I am deeply honored to once again hold this position. These are historic times, historic for more than one reason. Our speaker is the first speaker in history to ever serve in that position four times—that makes it historic. It is historic because we are on the verge of the twenty-first century, and we have an opportunity now to prepare our state to move into new times. We have a unique composition within this assemblage; we have dynamic new leadership who will help us; we have experience and we have youth. We have it all—we have men, we have women.

It is a privilege, and I am excited about it. I know we will do extraordinary things this time because the will is there. And I thank you all very much.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Arberry nominated Mouryne B. Landing to be Chief Clerk.

Assemblyman Krenzer moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Mrs. Mouryne B. Landing to be the Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Price, Johnson and McGaughey as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Garner, Giunchigliani and Marvel as a committee to inform the Governor that the Assembly was organized and ready for business.

Assemblyman Myrna Williams moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: BOULDER CITY NEWS; Bill Harbour, COMSTOCK CHRONICLE; Gary Elam, Mary Beth Hepp-Elam, Carolyn Short, CONSTRUCTION NOTEBOOK, Robert (Bob) Dickinson, COUNTREE SPIRIT, Vernon Lee Hall, DAILY SPARKS TRIBUNE; Andrew Barbano, Angela Curtis, Lindsay Elliot, R. C. "Randy" Frisch, Joshua Good, Ralph Heller, Steve Mashni, Christopher Smith, Bruce Bennett, Jamie Kingham, ELKO INDEPENDENT; Lin Anderson, Lori Gilbert, ELKO DAILY FREE PRESS; Dan Steninger, Mel Steninger, Rex Steninger, THE FERNLEY LEADER/DAYTON COURIER; Laura Tennant, Toni Cipriano, GATEWAY GAZETTE; Robert Lowes, HUMBOLDT SUN, Susan Brockus, Lewis Brockus, HENDERSON HOME NEWS/GREEN VALLEY NEWS; Lawrence Meekly, KCEP RADIO; Ramon Savoy, LAS VEGAS SENTINEL VOICE; Aaron Mayes, Katherine Scott, Paul Szydelko, Ray Theiss, LAHONTAN VALLEY NEWS/FALLON EAGLE STANDARD; Kurt Asher, Cindy Lee, Anne Pershing, Steven Ranson, Jon Santini, LAS VEGAS BUSINESS PRESS; Dave Ellingson, John Morrissey, Brian Janis, Jamie McKee, Steve Reed, LAS VEGAS REVIEW-JOURNAL; Sherman Frederick, Mary Hynes, Toru Kawana, Wayne Kodey, Jim Laurie, Shaun McKinnon, Thomas Mitchell, Jane Ann Morrison, Steve Papinchak, Jon Ralston, Diane Russell, Jeff Scheid, John L. Smith, Howard Stutz, Gary Thompson, Charles Zobell, LAS VEGAS SUN; Geoff Dornan, Jeff German, Cy Ryan, Lee Zaicheck, THE LAUGHLIN NEVADA TIMES; Mike Russo, Michael Sunderman, LINCOLN COUNTY RECORD; Connie Simkins, LOVELOCK TRIBUNE; Gwen Carter, Carol Marshall, MASON VALLEY NEWS; David Sanford, Jim Sanford, Keith Trout, MINERAL COUNTY INDEPENDENT-NEWS; Jack McCloskey, MINING WORLD NEWS; Dorothy Y. Kosich, NATIVE NEVADAN; Andree Bouty, Sylvia McCloud, NEVADA APPEAL; Don Ham, Lisa Kirk, Becky Lemon, Sue Morrow, Patt Quinn-Davis, Reland Stroup, John Su, Jonetta Truett, Lisa Tolda, Sandi Wright, NEVADA CASINO JOURNAL; Sergio Lalli, NORTH LAKE TAHOE BONANZA; Jeff Ackerman, Jim Grant, Liz Mirell, James Robbins, Janice Zobel, PAHRUMP VALLEY TIMES; Rick Headlee, Rich Thurlow, THE RECORD-COURIER; Lee Ann Fleming, Sheila Gardner, Dave George, Kurt Hildebrand, Joyce Hollister, Melanie Supersano, Eugene Jack, Chris Tumbusch, RENO GAZETTE-JOURNAL; Jim Thorpe, James T. Kirks, PATCOM, CHANNEL 35; Barbara Anderson, Phil Barber, Faith M. Bremner, Courtney Brenn, Don Cox, Darcy De Leon, Susan Dornan, Tim Dunn, Cory Farley, Joe Gosen, Pat Harrison, Mike Henderson, Jill Jorden, Mark Lundahl, Wayne Melton, Jim Mitchell, Marilyn Newton, Mike Norris, Bill O'Driscoll, David Parker, Mike Phillis, Lenita Powers, Guy Richardson, Craig Sailor, Mike Sion, Susan Skorupa, Steve

Timko, Don Vetter, SACRAMENTO BEE; TIME MAGAZINE; Guy Shipler, TRI-COUNTY EXPRESS; Patty Maxwell, Susan Romeo, WIRE SERVICES/BUREAUS; ASSOCIATED PRESS; Sandy Cherub, Mark Evans, Brendan Riley, Elizabeth Wise, DONREY NEWS BUREAU; Ed Vogel, Sean Whaley, REUTERS NEWS SERVICE; Lee Adler, KCBN; Bob Collins, KFM; Ted Marvelle, Joe McCarthy, KOH; Chris Long, KPLY/KKMR; Brian Griffey, Steve Lombard, Elizabeth Rose, KPTL; Dick Capistran, Travus T. Hipp, Craig Swope, Mary Swope, KRNO; Connie McMullen, KUNR; Willie Albright, Guy Shipler, Dave Nicholas, KVLV; Lynn Pearce, KWNA; Torrey Sheen, KWNZ/KQLO; Cathy Kaylin, KLAS; George Knapp, Darryl Nelson, KLVX; Mitch Fox, Reginald La France, Ernie Ohlson, Lee Winston, KNPB; Curt Daniels, Pat Furrie, Rosemary Peacock, Zack Spencer, KOLO; Tom Ainsworth, Karl Baker, Larry Blitstein, Bruce Bolf, Mary Ellen Bonscher, Erin Breen, Shannon Brinias-Hain, Cristy Carlson, Tad Dunbar, Kirk Frosdick, Terri Hendry, Gary Marquardt, Elaine Markley, Mark Mayhew, Jeff Moore, Joanne Oelke, Tim Ondracek, Ed Pearce, Stan Pechner, Jeff Perkins, Tony Shelton, Dave Sorenson, John Tyson, KRNV; Chris Bailey, Walt Butler, Vicki Campbell, Ted Chen, Brent Davenport, Ron Ford, Jens Kristjannsen, Joe Suchman, Madeline Simmons, Hank Tester, Viola Vigil, Jerry Winter, Regina Wood, Joe Williams, KTNV; Dennis Myers, Greg Koelfgen, Judith Mathews, Darin Watkins, Jim Snyder, Tim Robinson, Heidi Calvert, Cammy Dierking-Graf, KTVN; Adrienne Abbott, Mike Alger, Devant Anthony, Jack Antonio, Steve Arlitz, Bill Brown, Heidi Calvert, Denise Clodjeaux, Walt Colby, Cammy Dierking-Graf, Anne Harris, Tom Jeans, Greg Koelfgen, Jon Killoran, Judith Mathews, Lise Mousel, Kari Montgomery, Dennis Myers, Al Richards, Tim Robinson, Howard Rosenberg, Mark Sexton, Steve Sonnenburg, Jim Snyder, Jack Sutton, Jon Taylor, Ken Umphrey, Brian Vodehnal, Darin Watkins, Don Wells, Chad Youngblood, Denise Yoxsimer, KVBC; Scott Andrus, Don Bell, Rob Bloom, Mike Bradley, Dan Burns, Gwen Castaldi, Dave Courvoisier, Colin Cowherd, Mike Curran, Mike Cutler, Steve Eagar, Tonia Ellis, Katie Harris, Greg Hodgson, Sarah Hoeveler, Eric Hulnick, Jeff Lonetree, Shannon Martindale, George Maupin, Dan Monson, Mark Muller, Lori Orchow, Kurt Poulson, David Riggleman, Denise Rosch, Terri Russell, Sharon Stein, Randy Swallow, Teri Thomas, Sue Tripathi, Brett Wood, Mike Woolfolk, Jill Willis.

Motion carried.

Assemblyman Price reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Garner reported that his committee had informed the Governor that the Assembly was organized and ready for business.

By Assemblymen Dini and McGaughey:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 66th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 65th session are adopted, with the following changes, as the Standing Rules of the Assembly for the 66th session of the Legislature:

1. Rule 40 is hereby amended to read as follows:

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, [fourteen] *fifteen* members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. [Elections, nine members.
5. Education, thirteen members.
6.] *Education, eleven members.*
5. Legislative Functions [, eleven members.
7.] *and Elections, thirteen members.*
6. Natural Resources, Agriculture and Mining, eleven members.
[8.] *7.* Labor and Management, [nine members.
9.] *eleven members.*
*8.* Transportation, nine members.
[10. Commerce, fourteen members.
11. Economic Development, Small Business and Tourism, eleven members.
12.] *9. Commerce, thirteen members.*
*10.* Health and Welfare, eleven members.
[13.] *11.* Government Affairs, [fourteen] *thirteen* members.

2. Rule 44 is hereby amended to read as follows:

44

Committee on Legislative Functions [.] *and Elections.*

The Committee on Legislative Functions *and Elections* has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

3. Rule 45 is hereby amended to read as follows:

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Legislative Functions [.] *and Elections.* The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its recommendation on which candidate should be declared elected. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment. If the recommendation is accepted, the Speaker shall declare the recommended candidate elected. If the recommen-

dation is rejected, the Assembly shall consider immediately whether to declare another candidate elected. The Speaker shall not adjourn the Assembly until it has declared a candidate to be elected.

4. The Speaker shall inform the Governor of the identity of the candidate declared to be elected by the Assembly.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By Assemblymen Dini and McGaughey:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 66th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 65th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 66th session of the Legislature:

1. Rule 6 is hereby amended to read as follows:

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed . [of $70 for] *The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate* the cost of handling and postage for the entire session.

2. Rule 9 is hereby amended to read as follows:

9

ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment [shall] must not be counted but the day of the next meeting [shall] must be counted, and Sunday [shall] *must* not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

*3. In addition to any adjournment taken pursuant to subsection 2, after the first 19 calendar days of a regular legislative session, the Legislature shall adjourn until the 36th calendar day of the regular session. During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the state. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. During this adjournment all other standing committees may hold hearings at any place in the state on legislative measures or on any general topic which is pertinent to possible legislative action.*

*4. During the adjournment taken pursuant to subsection 3:*

*(a) Notwithstanding the provisions of Senate Standing Rule No. 92 and Assembly Standing Rule No. 92, an agenda may be revised by the chairman of a committee to add or delete any item at any time on the day before the meeting. The revised agenda must be posted at the place of the meeting, and must appear in the daily history when the Legislature reconvenes.*

*(b) Actions taken by committees have the same effect as actions taken while the Legislature is in session.*

3. Rule 17 is hereby added to read as follows:

17

*LIMITATIONS ON DATE OF FIRST AND LAST JOINT BUDGET HEARINGS, DATE OF PASSAGE OF APPROPRIATION AND AUTHORIZATION BILLS AND LENGTH OF REGULAR SESSION*

*1. The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.*

*2. The last joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 117th calendar day of the regular session.*

*3. All general appropriation and authorization bills must be finally passed by both houses on or before the 124th calendar day of the regular session.*

*4. The Legislature shall adjourn sine die on or before the 131st calendar day of the regular session.*

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

## COMMUNICATIONS

### MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA

DEPARTMENT OF STATE

CARSON CITY, NEVADA, January 8, 1991

HONORABLE JOSEPH E. DINI, JR., *Speaker of the Nevada Assembly,* Legislative Building, Carson City, Nevada 89710

DEAR JOE:

In compliance with the laws of the State of Nevada, I return herewith Assembly Joint Resolutions 5, 23 and 28 of the 65th session of the Nevada Legislature for the consideration of the Legislature.

Cordially,

CHERYL LAU
*Secretary of State*

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

COMMERCE

Porter, Arberry, Bennett, Callister, Garner, Norton, Myrna Williams, Elliott, Kerns, McGaughey, Scherer, Spriggs, Wong.

EDUCATION

Wendell Williams, Haller, Bache, Johnson, Krenzer, Spitler, Carpenter, Gregory, Hardy, Lambert.

GOVERNMENT AFFAIRS

Garner, Bennett, Bache, Freeman, Haller, Krenzer, Little, Bergevin, Kerns, Lambert, McGaughey, Spriggs, Wong.

HEALTH AND WELFARE
Arberry, Freeman, Bennett, Evans, Petrak, Wendell Williams, Bayley, Hardy, Heller, Humke, McGinness.
JUDICIARY
Sader, Porter, Anderson, Johnson, Norton, Petrak, Wendell Williams, Bayley, Carpenter, Elliott, Gregory, Hardy, Scherer.
LABOR AND MANAGEMENT
Giunchigliani, Anderson, Arberry, Bache, Norton, Wendell Williams, Goetting, Heller, Marvel, Stout, Wong.
LEGISLATIVE FUNCTIONS AND ELECTIONS
Myrna Williams, Price, Dini, Evans, Garner, Porter, Sader, Bergevin, Humke, Lambert, McGaughey, Pettyjohn, Scherer.
NATURAL RESOURCES, AGRICULTURE AND MINING
Freeman, Krenzer, Johnson, Little, Norton, Sader, Bayley, Carpenter, Kerns, McGinness, Spriggs.
TAXATION
Price, Myrna Williams, Callister, Giunchigliani, Haller, Porter, Bergevin, Lambert, Marvel, Spriggs, Stout.
TRANSPORTATION
Spitler, Garner, Anderson, Krenzer, Little, Carpenter, Elliott, Goetting, Gregory.
WAYS AND MEANS
Callister, Evans, Arberry, Dini, Giunchigliani, Price, Spitler, Myrna Williams, Goetting, Heller, Humke, McGinness, Marvel, Pettyjohn, Stout.
MAJORITY FLOOR LEADER
Gene T. Porter.
ASSISTANT MAJORITY FLOOR LEADER
Jan Evans.
MAJORITY WHIP
Robert M. Sader.
MINORITY FLOOR LEADER
James W. McGaughey.
ASSISTANT MINORITY FLOOR LEADER
David E. Humke.
MINORITY WHIP
Louis W. Bergevin.

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong:

Assembly Concurrent Resolution No. 2—Honoring the men and women of Nevada who are serving in the United States Armed Forces in Operation Desert Storm in the Persian Gulf area.

WHEREAS, The invasion of Kuwait on August 2, 1990, by Saddam Hussein of Iraq destabilized the entire Middle East region and threatened the world community; and

WHEREAS, The aggressor forces of Iraq defied several United Nations resolutions by continuing to occupy and pillage Kuwait; and

WHEREAS, The United States of America, acting in concert with the United Nations to uphold the rights and liberties of people everywhere, has deployed its own Armed Forces to the region to join the allied forces identified as Operation Desert Shield, and subsequently, Operation Desert Storm; and

WHEREAS, Many men and women of Nevada, as members of the United States Armed Forces in the Persian Gulf area, are gallantly participating in the Operation; and

WHEREAS, Our friend and colleague, former Assemblyman Jim Gibbons, is proudly serving amongst our gallant troops and is the first Nevada legislator in history to have resigned his legislative office to perform this patriotic duty; and

WHEREAS, All of these brave Nevada servicemen and women have made great sacrifices of themselves and of their families to preserve global order and liberty; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature sends its profoundest wishes and prayers to our servicemen and women in the Persian Gulf area for a swift, successful and peaceful conclusion to this military operation and their safe return home to Nevada; and be it further

RESOLVED, That the Nevada Legislature hereby honors those intrepid and heroic men and women of Nevada who have participated in Operation Desert Shield and Operation Desert Storm; and be it further

RESOLVED, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to Mrs. Jim Gibbons, the Adjutant General of the Nevada National Guard and the commanding officer of Nellis Air Force Base.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Assemblyman Haller requested that Assemblyman Price's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and the honored members of this distinguished body and to our friends and loved ones present, today I rise with the greatest of pride and the deepest of regret to speak in support of Assembly Concurrent Resolution Number 2.

My regret stems from the fact that our Americans and loved ones have to be on that particular mission as we enter the last decade of the twentieth century when one would have expected that man should have learned to live in peace and harmony rather than in turmoil. My pride stems from the actions of our fellow Americans; America's finest, thousands, who have stepped forward—those members of the Armed Forces, both voluntary and reserves, our guard units—to answer the call of their President. They have put themselves in harm's way to serve in that troubled area so that others may again enjoy the freedom and liberty that we find so dear. They have put themselves in harm's way against the aggressor forces of Iraq—and may I paraphrase "pro-life" Andy when he calls him "so insane Hussein."

Across this great land in the past few weeks, there has been much debate over the necessity of us being there, political debate of whether the President has gone too far, but that is not what we are talking about here today. Today this resolution—and as you indicated, Mr. Speaker, in your earlier remarks—is to show our love and support and our thanks to our sons, our daughters, mothers, fathers, and even grandmothers and grandfathers, loved ones and friends we all have that have answered that call.

Right here in our own chambers, I am so proud, as we all are, that one of our very own was among the first to answer that call. Jim Gibbons, member of the Reno High Rollers of the Nevada Air National Guard of which unit there are a thousand members, and when they were asked for volunteers, over 600 people volunteered, I believe, in the first 24 hours. Our friend and colleague, Jim Gibbons, was one.

I've heard, at least in passing, some people wondered why Jim would volunteer after just winning an election to the Nevada Legislature. Some people have suggested perhaps his first duty may have been to his constituency in his district, but I think that probably those were initial thoughts and somewhat confused priorities. Someone made the statement in passing that Jim had taken an oath long before he took the political oath that we all took today, so I got a copy of that oath and took a look at it. I thought I might read it to you. It's really not a whole lot different than ours, but there is a little difference. This is the oath of a National Guard officer: "I do solemnly swear that I will support and defend the Constitution of the United States," as we do, "and the Constitution of the State of

Nevada against all enemies foreign and domestic; that I will bear true faith and allegiance to the same," and here is one of the differences, "and I will obey the orders of the President of the United States and the Governor of the state. I make this obligation freely without any mental reservation or purpose of evasion and I will well and faithfully discharge the duties of this office," as he and many of our friends and loved ones are doing today.

It is heartening to see the support that has been raised on behalf of our fellow Americans in this conflict, and it is particularly heartening after some of the tough times in the past war in Vietnam. People, legislators and legislatures, cities and counties, everyone across this nation has joined together in support of our fellow Americans in the Persian Gulf.

I would like to acknowledge in my remarks, Mr. Speaker, that we have with us today some members and leaders of operation "Yellow Ribbon," the Carson City support group for those left behind who have those loved ones overseas: Justine Tucker, Lucy McWilliams, Justine Stafford who are sitting behind me, and to my left I have General John Molini of the Reno High Rollers, our National Air Guard.

I would like to conclude by stating my support and my pride as we all have, and, if I may be permitted, particularly for our colleague and friend, Jim Gibbons, a proud American, an outstanding Nevadan, loving husband, caring father, citizen legislator and citizen soldier.

Resolution adopted.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 2 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Wendell Williams, Arberry, Anderson, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Dini, Elliott, Evans, Freeman, Garner, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams and Wong:

Assembly Concurrent Resolution No. 3—Commemorating Martin Luther King, Jr.

WHEREAS, In this time of international unrest, it is particularly important to continue to recognize a person who strove for a society where all of God's children might stand together; and

WHEREAS, The tenets of nonviolence and love described by The Reverend Martin Luther King, Jr., are every bit as relevant today as they were over two decades ago; and

WHEREAS, Because the teachings of The Reverend Martin Luther King, Jr., which were instrumental in awakening the conscience of the American public, must never be forgotten, it is important for organizations to continue to recognize and spread those teachings; and

WHEREAS, The Martin Luther King, Jr. Committee of Las Vegas, founded in 1981, is celebrating its 10th anniversary this year; and

WHEREAS, The Northern Nevada Black Cultural Awareness Society has been doing admirable work in continuing to assist northern Nevadans to remember the dream; and

WHEREAS, Governor Bob Miller and the members of the Nevada State Martin Luther King, Jr. Holiday Commission continue to work throughout the state, lest we forget these important ideals; and

WHEREAS, The Reverend Martin Luther King, Jr., in sharing his noble dream with the American people, gave all of us hope for the future, as long as we remember that dream; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That on this day which has been set aside for our nation to commemo-

rate this great man, the members of the Nevada Legislature honor the memory of The Reverend Martin Luther King, Jr., and his dream of peace, unity, justice and righteousness; and be it further

RESOLVED, That the members of the Martin Luther King, Jr. Committee of Las Vegas be commended for a decade of work spreading the philosophy of The Reverend King; and be it further

RESOLVED, That the members of the Northern Nevada Black Cultural Awareness Society be commended for their continuing effort in assisting northern Nevadans to remember the dream; and be it further

RESOLVED, That the Governor and members of the Nevada State Martin Luther King, Jr. Holiday Commission be commended for their statewide activities; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the presiding officers of the Martin Luther King, Jr. Committee of Las Vegas, the Northern Nevada Black Cultural Awareness Society and the Nevada State Martin Luther King, Jr. Holiday Commission.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Assemblyman Arberry requested that Assemblyman Wendell Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. As we come together today to take care of the business of our beloved state, there is probably no other time or any greater urgency we are experiencing in our world community than to activate the ideals and philosophy of Martin Luther King. The legacy of Dr. King reminds us to strive to make our nation secure, not by just the barrel of a gun but by a commitment to strong moral principles. There is no greater time to stop giving rhetoric to quality education using balloons and banners as backdrops and instead commit real dollars and real attendance to education.

As we celebrate the legacy of Martin Luther King, we must remind ourselves as business is growing, as corporations merge, it can't be done at the expense of workers or workers' rights. The vision of Dr. Martin Luther King reminds us that, if we really encourage young people to say "no," we can't say "no" till we say "no" to homelessness, poverty, despair, all violence. The celebration of the legacy of Martin Luther King is a consciousness that reminds us that the world is only as good as the weakest link or the people at the bottom. The purposes that Martin Luther King lived for and died for are a celebration of humanity and what America stands for. The celebration of Martin Luther King is not a celebration of a man who happened to be born in Atlanta, Georgia in 1929; instead it is a celebration of a vengeance for peace, love for all, striving for the best of the world, the best for America, and more importantly the best for Nevada. The vision of the celebration of Martin Luther King is one that we all can build on to make our state better.

Mr. Speaker, to you and through you to my colleagues, I urge the adoption of the resolution, and as we begin to face the challenges of our state, hopefully we can build on that vision and we can make our state a better place to be and a better place to live. Thank you, Mr. Speaker.

Resolution adopted.

Assemblyman Wendell Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 3 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair in observance of Martin Luther King, Jr.

Assembly in recess at 2:13 p.m.

## ASSEMBLY IN SESSION

At 2:36 p.m.
Mr. Speaker presiding.
Quorum present.

### REMARKS FROM THE FLOOR

Assemblyman Arberry requested that the following remarks be entered in the Journal.

BEFORE THERE WAS HISTORY THERE WAS BLACK HISTORY

Before there was history there was Black History
Before those mighty pyramids rose on that glorious River Nile, the lands Kush and Axum stood
And what of fair Nefertiti, she was the Helen of Sparta for all African, proud to be black
Traveling deeper to the heart, the kingdom of Congo and Zimbabwe rose in those dark jungles
Truly before there was history, there was Black History.

STEPHON SWEAT, Western High School

How Can the Visions and Dreams of Dr. King Help Today's Youth Meet the Challenges of Living in 1991? Good Afternoon. First give honor to God for blessing and allowing me to be here.

To the distinguished Governor and all his friends and dignitaries, I would like to thank you for selecting me to be here. This is a day I will never forget.

Dr. King's dream continues to influence us even in his absence. His dream was not only for blacks, but for all Americans. It was not only for the elderly, but for the youth as well. Although times have changed and Dr. King is no longer with us, we as a people still have not achieved the dream.

As a youth growing up in the 90's, I feel we as young people must look beyond race, color, creed and religion and start helping each other realize we are in some terrible times. Gang violence and drugs are taking my peers and fellow classmates in rapid numbers—and it is very frightening to see so many of them with little or no support. Parents in today's society have little or no control over their children—and because of this lack of communication, it brings about low self esteem.

Dr. King's visions and dreams would be just what the doctor ordered in the 90's. I say this because we are looking for someone to pattern our lives after. We are hungry for someone to help us truly believe that we are somebody—and that we can be what we want to be, only if we work hard for it. The youth of today are not really copping out. It's really a matter of needing more moral support from family, friends and other people in our community.

Today's youth have been affected by Dr. King in a number of ways. We now have an opportunity for higher education which brings about self esteem and preparations for a better future. Dr. King said and did things which let young people know that it is okay to be proud, and to stand up for what you believe in, and to say whatever you feel is right. I feel that one of the best things Dr. King could have left us was a chance to know that we have a choice, and it is because we are of a different race, it is not wrong.

Dr. King's visions and dreams are still alive in America today, but as a youth I do not feel that we have realized how to achieve his dream. I personally feel that we must put all of our differences aside and accept each other for who we are. Secondly, we should understand that we are the future and we may be called upon to make decisions which affect us all. And finally, we must put Christ back in all of our lives.

As a young African-American male, I strongly feel that there is hope for my generation, and as long as we have support from our elders we can make a difference in this place we call the land of the free.

As we sit with our eyes glued to the television screens watching our country at war—I must say that it is time for us all to come together and help each other truly understand what Dr. King's dream stood for.

In closing, I feel that Dr. King was one of the greatest men of all times. This man withstood many beatings, and arrests, and much criticism—but still received praise and won the hearts of all Americans, black and whites alike. Unlike Malcolm X's theory, Dr. King believed that we could live in peace and happiness together.

If he were here today—I sometimes wonder where we would be in a time where racism is again on the rise—and youth are faced with teen pregnancy, gang violence, and deadly drugs. I believe the generation would be a little better as far as race relations—and have a more positive outlook on life. Although he is not here with us physically, he is with us mentally and spiritually. And I know that today's youth will make it through hope and prayer—and we will all be able to live in the place we call the land of the free. To the Governor and the Legislature, I wish you all the best of luck in your session today. I want to thank you again and wish you good luck and God bless you.

## COMMUNICATIONS

### MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710, January 21, 1991

HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* Nevada Legislature, Carson City, Nevada 89710

DEAR JOE:

With permission of your honorable body, I propose to deliver my State of the State message to the Sixty-sixth Session of the Nevada Legislature, on Wednesday, January 23, 1991, at 7:00 p.m. in the Assembly Chambers of the Legislative Building.

My very best wishes to you and the Assembly for a productive and expeditious session. I look forward to working with you all during this legislative session.

Sincerely,

BOB MILLER
*Governor*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 1.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Myrna Williams, Dini, McGaughey, Porter, Price, Callister, Arberry, Evans, Heller, Little, Bergevin, Wendell Williams, Kerns, Carpenter, Goetting, Marvel, Pettyjohn, Spitler, Spriggs, Norton, Bayley, Lambert, Giunchigliani, Freeman, Petrak, Anderson, Haller, Bennett, Hardy, Stout, Elliott, Garner, Sader, Humke, Scherer, Wong, Krenzer, Johnson, Gregory, McGinness and Bache:

Assembly Bill No. 1—An Act relating to travel expenses; limiting the reimbursement of legislators for travel expenses; requiring legislators to submit detailed claims for reimbursement; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Myrna Williams.

Motion carried unanimously.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 2—An Act relating to legislators; authorizing a legislator to receive an additional lodging allowance under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 3—An Act relating to campaign practices; requiring the disclosure of the contributions received by persons other than candidates; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 4—An Act relating to legislators; prohibiting a legislator from receiving a campaign contribution during a legislative session; prohibiting a legislative caucus from soliciting or receiving money during a legislative session; prohibiting a person from making a proscribed contribution; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 1.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as

provided by law, for the Speaker, Speaker pro Tempore, Majority Floor Leader, Minority Floor Leader and chairman of each standing committee of the Assembly for postage, telephone tolls and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and the Chief Clerk to the State Controller, who is authorized to draw his warrants therefor on the legislative fund, and the State Treasurer is thereafter authorized to pay these warrants.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By the Committee on Legislative Functions and Elections:

Assembly Resolution No. 3—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 66th session of the Legislature of the State of Nevada: Carol Moore, Joan Anderson, Amy Phelps, Jane Gill, Betty Day, Carol Martini, Cindy Southerland, Kay Graves, Laverna Marwin, Carolyn Maynick, Michael Barclay, Charles Van Geel, Jr., Jill Erickson, Jason Hataway, Jennifer Meredith, Scott Ruedy, Patricia Hatch, Christine Shaw, Lucinda Benjamin, Kimberly Fry, Marcia Warne, Marilyn Cole, Donna Calhoun, Laura Pabon, Betty Wills, Lula Collins, Iris Bellinger, Susan Hella, Kathy Pereos, Barbara Doke, Patricia Baltz, Gloria Lohner, Dianne Laird, Sherree Koehler, Rebecca Boatwright, Reba Coombs, Dale Gray, Launa Martin, Patricia McDaniel, Cheryl Thurston, Patricia Menath, Martha Bowers, April Carino, Kathleen Day, Carol Dickerson, Maureen Francisco, Judy Gyarmathy, Frances Hill, Colleen Janes, Constance Lewis, Paulette Simpson, Marlene Staub, Donna Watt, Marcelene Wehry, Robin Valentine-Kindred, Sally Dunfield, Lavelle Johnson, Morse Burley, Mary Carel, James Coffin, Edward Cordisco, Jr., Linda Cummings, Mark Hess, Marian Howard, Reid Meyer, Mike Pintar, Shanna Pozzi, Karen-Maria Reuter, Mike Richardson, Valorie Sheldon and Julene Smith.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By Assemblymen Dini, Myrna Williams, Sader, Sedway, Swain, Evans, Callister, Wisdom, Diamond, Thompson, Gaston, Porter, Adler, Nevin, Schofield, Banner, Arberry, Kissam, Garner, Chowning, Regan, Sheerin, Brookman, Fay, Wendell Williams, Freeman, Spinello, Jeffrey, Triggs, McGaughey, Carpenter, Marvel, Lambert, McGinness, Kerns and Bergevin:

Assembly Joint Resolution No. 5 of the 65th Session—Proposing to amend the constitution of the State of Nevada to require that the Governor and the Lieutenant Governor be affiliated with the same political party, to require that they be elected on the same ballot, and to remove the Lieutenant Governor from the position of President of the Senate.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 6 and 33 of article 4, section 17 of article 5 and section 22 of article 17 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, [(except the President of the Senate),] determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60

days during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly [, and Lieutenant Governor, as] *and the* President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

[Sec:] *Sec.* 17. A Lieutenant Governor shall be elected [at the same time and places and in the same manner as the Governor] *by the qualified electors and shall be affiliated with the same political party and appear on the same ballot as the Governor,* and his term of Office, and his eligibility, shall also be the same. [He shall be President of the Senate, but shall only have a casting vote therein.] *A vote for the Governor in any election shall be deemed a vote for the Lieutenant Governor.* If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President [*pro-tempore*] of the Senate shall act as Governor until the vacancy be filled or the disability cease.

Sec. 22. In case the office of any State officer, except a judicial officer, shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term. *If a vacancy occurs in the office of the Lieutenant Governor, the person appointed as Lieutenant Governor by the Governor shall hold office until the next general election in which the Governor is elected.*

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 23 of the 65th Session—Proposing to amend section 9 of article 8 of the constitution of the State of Nevada to eliminate the prohibition against lending the money or credit of the state to businesses.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 8 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 9. The State shall not donate [or loan money, or its credit, subscribe to or be, interested in the Stock of] *money* to any company, association, or corporation, except corporations formed for educational or charitable purposes.

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Price, Brookman, Evans, Swain, Myrna Williams, Lambert, Freeman, Chowning, Diamond, Spriggs, Wisdom, Bogaert, Marvel, Callister, Spinello, Adler, Porter, Kerns, Sheerin, Banner, Arberry, Nevin, McGaughey, DuBois, Jeffrey, Sedway, Bergevin, Dini, Humke, Fay, Garner, Schofield, Kissam, Regan, Carpenter, Sader, Wendell Williams, Gibbons, McGinness, Triggs, Gaston and Thompson:

Assembly Joint Resolution No. 28 of the 65th Session—Proposing to repeal article XVIII of the constitution of the State of Nevada which prohibits withholding the rights of suffrage and officeholding from any male citizen of the United States by reason of his color or previous condition of servitude.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That article XVIII of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED ARTICLE

ARTICLE XVIII

[Right of Suffrage]

**Rights of suffrage and officeholding.** The rights of suffrage and officeholding shall not be withheld from any male citizen of the United States by reason of his color or previous condition of servitude.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Joint Resolution No. 1.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 1:

YEAS—41.

NAYS—None.

Vacancy—1.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 1:

YEAS—41.

NAYS—None.

Vacancy—1.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Senate Joint Resolution No. 1:

YEAS—36.

NAYS—Giunchigliani, Haller—2.

Not voting—Anderson, Arberry, Wendell Williams—3.

Vacancy—1.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Porter moved that all rules be suspended and that Senate Joint Resolution No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 3:14 p.m.

## ASSEMBLY IN SESSION

At 3:45 p.m.

Mr. Speaker presiding.

Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 1, 2, 3.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jeanne Dini, Mr. Michael Dini, Mr. and Mrs. Jay Dini, Mss. Tiffany Dini, Heather Dini, Peggy Ogden, Messrs. Josh Dini, Larry Dini, Larry Ogden, James Thurman, George Dini, Ms. Mandy Glass, Messrs. Jeff Glass, David Glass, Mss. Jenny Dini, Kristine Dini, Mr. and Mrs. David Dini, Ms. April Dini, Messrs. Domonic Dini, Brandon Dini, Jim Irisk, Jason Katrosits, Seth Long, Brent Blackard, Andy Julson and Larry Burcham.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Clyda Anderson, Ms. Cairn Anderson, Mr. Natha Anderson, Mr. and Mrs. Robert Schebler and Ms. Kim Karstens.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carol Arberry, Ms. Renee Johnson and Mrs. Mary Arberrry.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sallie Bache and Ms. Christine Bache.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Danielle Bayle and Candace Bayley.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Rosanne Bennett and Ms. Rachel Bennett.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Luetta Bergevin, Mr. Lee Bergevin, Mss. Sharon Bergevin, Shannon Bergevin, Messrs. Andrew Bergevin, Erin Bergevin, Todd Russell, Ms. Jeanne Russell, Messrs. Matthew Russell and Timothy Russell.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Kim Sedway, Shelly Callister, Mss. Emily Callister, Margaret Callister and Rebecca Callister.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Roseann Carpenter and Lois DeForest.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nikki Elliott.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Laurena Evans, Mss. Tracey Evans, Phyllis Kaiser, Joni Kaiser, Leila Judd, Terry Stone, Ann Murphy, Kathleen Shane and Mr. Christopher Brown.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Raymond Ruff, Mrs. Ialene Ruff and Ms. Susan Miller.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carolyn Garner.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Gary Gray, Larry Giunchigliani, Mrs. Myrna Giunchigliani, Mss. Valerie Waroway, Jana Wright, Michele Wooldridge and Mr. Mark Jacobs.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Glenda Goetting, Messrs. Byron Goetting, Tyler Goetting, Mrs. Nancy Goetting, Mr. Mike

Satterlee, Mrs. Vicky Satterlee, Messrs. Spencer Satterlee, Tom Spurlock, Dalton LaRue, Mss. Dee LaRue, Salina LaRue, Messrs. Dave Cook, Don Goetting and Mrs. Carol Goetting.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Teresa Ross and Mr. Martin Kerguard.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marian Conrad, Marion Woods, Martha Coon and Marjorie Pettycrew.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carol Hardy, Mr. Brent Hardy, Mrs. Elaine Hardy, Mr. Regan Hardy and Ms. Ashlee Hardy.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Lynne Heller and Ms. Hilary Heller.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Virginia Humke, Messrs. Ricky Colon and Keith Lockard.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Ruth Kerns.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Richard Krenzer, Matt Krenzer, Mss. Amber Krenzer, Elva Early, Jan Early and Leigh Ann Thompson.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cali Vicknair, Messrs. Ken Lambert and Greg Lambert.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. David Charlton and Ms. Sheryl Frazier.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. James McGaughey, III and David Siefers.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness, Messrs. Ryan McGinness, Brett McGinness, Mss. Shannon McGinness, Mesdames Helen McGinness, JoEllen Adams, Mr. Lowell Ridge and Ms. Jane Ridge.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Willie Marvel, Mss. Sharon Andreasen, Shari Andreasen and Mrs. Dawn Gibbons.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jean Norton and Ms. Kristen Geddry.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Phyllis Petrak and Mr. Mark Manendo.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Sonya Pettyjohn, Joe Lattuga, David Gardineer and Mr. and Mrs. Jimmy Pettyjohn, Jr.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Brenda Porter, Mr. Jerry Porter and Ms. Kim Webster.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Master Sergeant Nancy Price, Ms. Lucy McWilliams, Mr. Justin Tucker, Ms. Justine Stafford and General John Molini.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Kay Scherer, Messrs. Nicholas Scherer, Jack Armstrong, Mrs. Shirley Armstrong and Ms. Wendy Armstrong.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jane Wisdom.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Joyce Rhodes and Laura Peterson.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Janet Weise, Nikki Kinsley, Helen Cahill, Ruth Farnsworth, Messrs. Tom Skancke, Charles Ivy, John Jacobsen, Ron Johnston and Mrs. Benay Stout.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mae Williams, Lolanda Bunch, Cheryl Dowdell-Hall and Mr. Larry Weekly.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, January 22, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 3:47 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SECOND DAY

CARSON CITY (Tuesday), January 22, 1991

Assembly called to order at 10:38 a.m.
Mr. Speaker presiding.
Roll called.
All present. One vacancy.
Prayer by the Chaplain, The Reverend Bruce Henderson.

O Lord God, it is good to be part of this grand state and to be able to serve it. May we lovingly and unselfishly do so. And as we do so may we be serving You also. Through our Lord we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of examining the credentials of newly-appointed Assemblyman Dawn Gibbons.

Assembly in recess at 10:41 a.m.

### ASSEMBLY IN SESSION

At 10:52 a.m.
Mr. Speaker presiding.
Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections has had the credentials of Assemblyman-appointee Dawn Gibbons under consideration, and begs leave to report that Assemblyman Gibbons has been and is duly appointed and qualified as a Member of the Assembly of the 66th Session of the Legislature of the State of Nevada.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved the adoption of the report.
Motion carried unanimously.

Mr. Speaker appointed Assemblymen Wendell Williams and Kerns as a committee to escort Chief Justice John W. Mowbray of the Supreme Court of the State of Nevada to the rostrum to administer the oath of office to the Assemblyman.

Mr. Speaker appointed Assemblymen Evans and Lambert as a committee to escort Mrs. Gibbons to the rostrum.

Chief Justice Mowbray administered the oath of office to the Assemblyman.

Assemblyman Elliott moved that Chief Justice Mowbray be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Roll called.

Present: Assemblymen Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams, Wong and Mr. Speaker.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 5—An Act relating to used vehicles; providing for the rescission of certain contracts for the purchase of used vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 6—An Act relating to the sale of subdivided land; establishing the procedure to be followed in imposing a fine against a developer or suspending or revoking a license or permit; requiring the denial of an application for a license under certain circumstances; authorizing a hearing officer to conduct certain hearings; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 7—An Act relating to time shares; limiting the applicability of the provisions governing time shares; requiring that a sales contract contain appropriate notices required by federal law; providing additional grounds for denying a permit to sell time shares; authorizing disciplinary action against a developer who violates any term or condition of a permit; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 8—An Act relating to the department of human resources; revising the limitation on the exchange of certain confidential information concerning abuse, neglect or exploitation of persons; prohibiting the discovery of the information; declaring the information to be inadmissible; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 9—An Act relating to the commission on tourism; reducing the required frequency of its meetings; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 10—An Act relating to public works projects; exempting a project from the requirement for competitive bidding if it is necessary to contend with an emergency; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 11—An Act relating to the state public works board; revising the restrictions on change orders made by the state public works board on smaller contracts; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 12—An Act relating to public buildings; repealing a provision requiring the analysis of certain public buildings to identify measures for the conservation of energy; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

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

Assembly in recess at 11:11 a.m.

## ASSEMBLY IN SESSION

At 11:27 a.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the action whereby Assembly Bills Nos. 5, 6, 7, 8, 9, 10, 11 and 12 were referred to the Committee on Commerce be rescinded.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 11:29 a.m.

## ASSEMBLY IN SESSION

At 11:50 a.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblyman Gibbons to serve as a member of the Committee on Education and the Committee on Judiciary.

### INTRODUCTION, FIRST READING AND REFERENCE

Assemblyman Porter moved that Assembly Bills Nos. 5, 6, 7, 8, 9, 10, 11 and 12 be referred to the Committee on Commerce.

Motion carried.

By the Committee on Education:

Assembly Bill No. 13—An Act relating to school districts; increasing the salaries for boards of trustees; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 14—An Act relating to education; authorizing financial assistance to a school district that adopts an extended school year program to provide classes for additional students; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 15—An Act relating to education; providing funding for summer school as part of the basic support of a school district; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 16—An Act relating to the tax on residential construction; removing the limitation on the size of those school districts that may request such a tax; removing the discretion of boards of county commissioners to disapprove of the tax; increasing the maximum amount of the tax; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 17—An Act relating to public instruction; expanding the definition of a junior high or middle school to include the fifth grade; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 18—An Act relating to public schools; authorizing a reduction of the minimum number of school days to maintain a 12-month school program; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 19—An Act relating to education; requiring the state board of education to adopt regulations governing the licensing of educational personnel other than teachers; removing the authority of the commission on professional standards in education to regulate the licensing of educational personnel other than teachers; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 20—An Act relating to personnel of school districts; repealing the provision limiting the involuntary transfer or reassignment of unlicensed employees as a form of discipline; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 21—An Act relating to education; authorizing an informal hearing for suspensions of 10 days or less of licensed educational personnel; requiring the board of trustees of every school district to adopt regulations governing the procedures of the informal hearing; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 22—An Act relating to indigent persons; authorizing a county to provide that an employable indigent person who has no dependent children may not receive a cash grant for necessary maintenance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 23—An Act relating to public services for children; increasing the percentage of the total number of children receiving certain assistance who may have been in foster care for more than 24 months; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 24—An Act relating to the support of dependent children; establishing a separate interest-bearing account for child support payments collected by the state; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 25—An Act relating to mental retardation; distinguishing a facility for intermediate care for mentally retarded persons from other facilities; providing for the licensing of such facilities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 26—An Act relating to health facilities; expanding the definitions of "facility for intermediate care" and "residential facility for groups"; authorizing the inspection of unlicensed facilities for the dependent; making various changes concerning the provision of services for older persons who are residents of facilities for long-term care; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 27—An Act relating to child health; changes statutory references from "crippled children" to "children with special health care needs"; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 28—An Act relating to public health; authorizing the health division of the department of human resources to impose an administrative penalty for certain violations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 29—An Act relating to food establishments; expanding the definition to include establishments in which nonprofit organizations sell food to members of the general public on a regular basis; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 30—An Act relating to vital statistics; providing that certificates in the custody of the state registrar of vital statistics are confidential; prohibiting issuance of certificate containing certain information from record of birth unless applicant has direct and tangible interest; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 31—An Act relating to the treatment of alcohol and drug abuse; prohibiting a person who is not certified as an alcohol and drug abuse counselor by the bureau of alcohol and drug abuse in the rehabilitation

division of the department of human resources from representing himself as a certified counselor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 32—An Act relating to financial administration; authorizing the temporary advance of money from the state general fund to the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 33—An Act relating to the judicial system, authorizing longevity pay for justices of the peace and municipal judges; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 34—An Act relating to the judicial department; establishing a per diem expense allowance for justices, officers and employees of the supreme court; revising the per diem expense allowance for district judges; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 35—An Act relating to justices' courts; increasing prospectively the length of the term of office of a justice of the peace; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 36—An Act relating to pensions for judicial service; increasing the amount of benefits for the surviving spouse of a justice of the supreme court or district judge; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 37—An Act relating to garnishment; reducing the period for continuing garnishment of earnings; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 38—An Act relating to actions concerning property; revising the provisions governing persons who may serve a notice to quit; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 39—An Act relating to actions concerning property; requiring a tenant to sign a statement acknowledging receipt of a notice to quit, unless the notice is served by a sheriff or constable; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 40—An Act relating to governmental immunity; expanding such immunity with regard to inspections to include the failure to act reasonably or to take any action while having knowledge of certain conditions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 41—An Act relating to garnishment; eliminating the automatic termination of garnishment of earnings after 120 days and increasing the fee paid to the garnishee; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 42—An Act relating to juvenile courts; requiring that notice of a juvenile court master's findings be given to the district attorney; providing the district attorney a limited right to appeal; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 43—An Act relating to business associations; changing the standard for determining the similarity between the name of a newly formed or reinstated corporation or limited partnership and the name of an existing entity; eliminating the requirement for the filing of certain information by a foreign corporation as a condition of qualification to do business in this state; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—An Act relating to the secretary of state; revising the requirement for the filing of certain information by a foreign corporation qualifying to do business in this state; increasing the fee for the issuance of a certificate relating to a financing statement or statement of assignment; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 45—An Act relating to criminal procedure; establishing standards for plea bargains; allowing a person who agrees to enter into a plea bargain to testify before he enters a plea or is sentenced; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 46—An Act relating to procedure in criminal cases; authorizing the use of certain testimony provided at a preliminary hearing by a witness who refuses at trial to comply with an order of the judge to testify; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 47—An Act relating to evidence; making admissible in a criminal proceeding certain evidence derived from a lawfully intercepted wire or oral communication; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 48—An Act relating to grand juries; clarifying the provisions concerning the right to testify before a grand jury by specifically providing that the district attorney is not required to notify a person that he is under investigation by the grand jury; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—An Act relating to procedure in criminal cases; requiring courts to give precedence under certain circumstances to cases involving sexual assaults or where victims or witnesses are minors; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—An Act relating to communications; providing additional circumstances under which wire or oral communications may be intercepted or recorded; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—An Act relating to forfeitures; expanding the forfeiture statutes to be applicable to proceeds of any crime, personal property used as an instrumentality in commission or attempted commission of any felony, and various property related to certain violations of laws of other jurisdictions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 52—An Act relating to witnesses; limiting the immunity from prosecution that may be given to certain witnesses; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 53—An Act relating to records of criminal history; allowing a public administrator and a public guardian to have access to records of criminal history; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 54—An Act relating to crimes; permitting in a single proceeding the trial of a dependant for offenses based on similar acts or transactions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—An Act relating to social workers; clarifying the duty of social workers to report the abuse, neglect or exploitation of older persons, regardless of whether the information was obtained in a privileged communication; making the same clarification to the duty of social workers to report certain conduct by nursing assistants; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 56—An Act relating to crimes; providing a limitation upon the parole of a person convicted of attempted sexual assault; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 57—An Act relating to crimes against property; increasing the penalty for falsely representing or impersonating another person; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 58—An Act relating to crimes; prohibiting the use of an emergency telephone number when no actual or perceived emergency exists; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 59—An Act relating to firearms; prohibiting the possession of certain firearms that do not have a unique serial number permanently etched into them; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 60—An Act relating to crimes; adding trafficking in controlled substances to the list of crimes related to racketeering; raising the monetary threshold of certain offenses included in the list; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 61—An Act relating to crimes; establishing an additional penalty for the commission of a felony on school grounds or at an activity sponsored by a school; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 62—An Act relating to social workers; requiring the report of abuse of elderly persons; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—An Act relating to local facilities for detention; revising responsibilities of board of county commissioners over certain jails in its county; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 64—An Act relating to prisoners; prohibiting the unauthorized possession or making of certain items by prisoners; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 65—An Act relating to county jails; providing an exception to the requirement for a county jail; allowing a county to enter into an interlocal agreement for the detention of prisoners; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—An Act relating to detention facilities of local governments; authorizing the officer responsible for the operation of a local detention facility to issue a warrant for the recapture of an escaped prisoner of that facility; requiring the local government responsible for the operation of a detention facility to pay, under certain circumstances, the costs to recapture an escaped prisoner of that facility; authorizing the governing body of a local government responsible for the operation of a detention facility to offer, under certain circumstances, a reward for the recapture of an escaped prisoner of that facility; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—An Act relating to county jails; authorizing a sheriff to discharge certain prisoners confined in the county jail at any time on the last day of their sentences; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 68—An Act relating to local detention facilities; revising the amount of credit which may be earned by prisoners in such facilities for good behavior and the performance of work; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 69—An Act relating to public administrators; allowing them to administer certain small estates without procuring letters of administration; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 70—An Act relating to public administrators; empowering them to dispose of or donate certain items of personal property of a ward or decedent; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 71—An Act relating to children; providing for attachment of the body of a child for his protection; providing for notice to the district attorney of each ruling of a master appointed by a juvenile court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 72—An Act relating to public welfare; revising the procedure to be followed upon the filing of a petition alleging that a child is in need of protection; permitting a plea of nolo contendere at the hearing on the petition; providing for the admissibility of certain evidence at the hearing; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 73—An Act relating to gaming; providing a penalty for the late payment of license fees to a county; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 74—An Act relating to horse racing; authorizing wagering on various horse races; making various changes related to the racing of animals; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 75—An Act relating to hazardous waste; requiring certain persons to pay the same fees for disposing of hazardous waste as would be imposed in the state where the hazardous waste was generated; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 76—An Act relating to watercraft; authorizing a peace officer to take corrective action against a person who is operating a vessel in an unsafe condition; prohibiting the reckless operation of personal watercraft; requiring the display of a diver's flag under certain circumstances; increasing the safety requirements for operating vessels for towing persons; clarifying the prohibition against obstructing a passageway ordinarily used by other vessels; providing penalties; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 77—An Act relating to animals; authorizing the board of wildlife commissioners to adopt regulations to issue permits for the hunting or killing of ravens from an aircraft; making various changes relating to wild and predatory animals; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 78—An Act relating to mining; clarifying and revising certain provisions concerning mining reclamation; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 79—An Act relating to mine inspection; expanding the scope of the positions the administrator of the division of mine inspection may fill; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 80—An Act relating to food; increasing the amount of the assessment on certain dairy products for the support of the state dairy commission; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 81—An Act relating to the inspection of meat and poultry; making various changes relating to such inspections; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 82—An Act relating to taxation; revising the provisions governing the estimate and certification of population for apportionment of certain tax revenue; standardizing the provisions governing the filing of a claim for a tax exemption on real property; revising the provisions governing the exemption from property taxes of drainage ditches, canals and irrigation systems; clarifying various provisions concerning the assessment of property; making various other changes concerning property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 83—An Act relating to taxation; requiring all state agencies, upon request, to furnish to the department of taxation certain information for the collection of taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 84—An Act relating to intoxicating liquor; repealing the provisions that restrict a supplier of liquor from charging a higher price for certain kinds of liquor to a wholesaler in this state than to wholesalers in other states; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 85—An Act relating to the tax on estates; allowing for the collection of a tax on the transfer of the taxable estate of a nonresident decedent; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 86—An Act relating to public schools; requiring the imposition of a tax for enhancing the safety and security of the public schools in a county upon the approval of the voters of the county; excluding the proceeds of the tax from contract negotiations and the determination of state support for the school district; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 87—An Act relating to state highways; limiting the reversion of certain property to the department of transportation; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 88—An Act relating to motor vehicles; authorizing the issuance of distinguishing license plates for vehicles donated to the University of Nevada System for use in courses of instruction in automotive maintenance and repair; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 89—An Act relating to traffic laws; allowing the revocation of the license, permit or privilege to drive of a person found to have a detectable amount of certain controlled substances in his system; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 90—An Act relating to driver's licenses; establishing requirements for provisional and restricted driver's licenses for certain drivers; establishing a demerit system for drivers with a provisional license, restricted provisional license or instruction permit; providing administrative penalties for certain violations for drivers who hold provisional or restricted

provisional licenses; establishing requirements for licenses and identification cards to determine the age of the holder; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 91—An Act relating to child support; allowing the placement of a lien on a motor vehicle owned by a person against whom a judgment in favor of the state has been entered for unpaid child support; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 92—An Act relating to traffic laws; permitting a U-turn at most locations unless otherwise posted; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 93—An Act relating to juvenile probation officers; eliminating the requirement that certain officers be certified by the peace officers' standards and training committee; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 94—An Act relating to the administration of laws; authorizing the chief of the investigation division of the department of motor vehicles and public safety to train volunteers in skills of an investigator; authorizing the chief to enter certain agreements with state and local law enforcement agencies; providing that a peace officer while aiding the investigation division has the same powers as a special investigator; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 95—An Act relating to missing persons; requiring a law enforcement authority to request the dental records of a person missing 30 days or more; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 96—An Act relating to public employees; specifying the amount to be paid by certain public employers for group insurance for the next biennium; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 97—An Act making an appropriation to the Northern Nevada Community College in Winnemucca for expansion of its facilities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 98—An Act making an appropriation to the City of Winnemucca for the restoration of the Nixon Opera House; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 99—An Act relating to cities; eliminating the requirement that the city attorney of a city incorporated under general law must reside within the city; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Lambert, Elliott and Callister:

Assembly Bill No. 100—An Act relating to zoning; revising the provisions governing the notice of a hearing for a proposed zoning change or exception; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Lambert, Humke, McGaughey and Marvel:

Assembly Bill No. 101—An Act relating to campaign practices; lowering the threshold for disclosure by a candidate of the contributions to his political campaign; lowering the threshold for disclosure of contributions to and by a committee created to recall a public officer; lowering the threshold for reporting the expenditures of advocacy by a person, committee or group; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Goetting, Myrna Williams, McGaughey, Porter, Bergevin, Callister, Lambert, Norton, Freeman and Bache:

Assembly Bill No. 102—An Act relating to local governments; requiring the governing body of each county and city to adopt an ordinance allowing, under certain circumstances, solicitors for certain charitable organizations to solicit contributions while standing on the median strip of any highway within the jurisdiction of the county or city; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Evans, Dini, Myrna Williams, Arberry, Callister, McGaughey, Price, Spitler, Little, Heller, Bennett, Sader, Garner, Porter, Bache, Carpenter, Wendell Williams, Kerns, McGinness, Lambert, Haller, Anderson, Petrak, Johnson, Norton, Krenzer, Stout, Marvel, Freeman and Elliott:

Assembly Bill No. 103—An Act relating to education; creating the fund for the enhancement of occupational education; requiring the state board of education to establish certain courses of study in occupational education; making appropriations; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Myrna Williams, Porter, Price, Callister, Arberry, Goetting, McGaughey, Norton, Giunchigliani, Gregory, Carpenter, Spitler, Little, Krenzer, Wendell Williams, Scherer, Stout, Bayley, Hardy, Garner, Bennett, Petrak, Wong and Bache:

Assembly Bill No. 104—An Act relating to taxation; requiring the department of taxation to establish uniform standards and required training concerning the assessment of property by county assessors; requiring the department of taxation to review certain previous distributions of the revenue from the supplemental city-county relief tax; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Taxation.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Little requested that her remarks be entered in the Journal.

Assemblyman Little requested that today's record reflect that her name was mistakenly indicated as a sponsor on ACR 3 adopted yesterday, January 21.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1; Senate Joint Resolution No. 1.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, January 23, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE THIRD DAY

CARSON CITY (Wednesday), January 23, 1991

Assembly called to order at 10:30 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

God Almighty, we are grateful for the beauty of the land around us and for its great diversity. For the mountains and the pastures, the woods and the deserts, and the ranches and the cities we thank You. We thank You for the diversity in this room too Lord. May it bring us closer together and to You. Through Jesus we pray. Amen.

Pledge of allegiance to the Flag.

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

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 1—Proposing to amend the constitution of the State of Nevada to remove various limitations on midterm changes in the amount of compensation paid to judges, legislators and other state officers.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 28 and 33 of article 4, section 15 of article 6 and section 9 of article 15 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 28. No money shall be drawn from the State Treasury as salary or compensation to any officer or employee of the Legislature, or either branch thereof, except in cases where [such] *the* salary or compensation *of that officer or employee* has been fixed by a law in force prior to the election or appointment of [such] *the* officer or employee . [; and the salary or compensation so fixed, shall neither be increased nor diminished so as to apply to any officer or employee of the Legislature, or either branch thereof at such Session; Provided, that this restriction shall not apply to the first session of the Legislature.]

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services [,] a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor . [; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an] *An* appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member . [; and Furthermore Provided, that the] *The* Speaker of the Assembly [,] and *the* Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

[Sec:] *Sec.* 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law . [, which shall not be increased or diminished during the term for which they shall have been elected, unless a Vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.]

[Sec:] *Sec.* 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers [,] whose salaries or compensation is fixed in this Constitution . [; Provided, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.]

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 2—Proposing to amend the constitution of the State of Nevada to remove the power of the legislature to establish the salaries of certain county officers.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 32 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 32. The Legislature shall have power to increase, diminish, consolidate or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys and Public Administrators. The Legislature shall provide for their election by the people, and fix by law their duties . [and compensation.] *The compensation of these officers shall be fixed by the Boards of County Commissioners of their respective counties.* County Clerks shall be *ex-officio* Clerks of the Courts of Record and of the Boards of County Commissioners in and for their respective counties.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 3—Urging Congress and the President to provide additional financial support for small water systems.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 4—Proposing to amend the Nevada constitution to authorize the donation or loan of state money or credit to private organizations for public purposes.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA JOINTLY, That section 9 of article 8 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 9. The State shall not donate or loan money, or its credit, or subscribe to or be [,] interested in the Stock of any company, association, or corporation, except *for a public purpose or to* corporations formed for educational or charitable purposes.

Assemblyman Garner moved that the resolution be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 4—Directing the Division of Water Planning of the State Department of Conservation and Natural Resources to update and reevaluate the "Alternative Plans for Water Resource Use" and to compile a plan for the management of water resources for each of the six river basin areas.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 5—Directing the division of water planning of the state department of conservation and natural resources to emphasize the provision of technical assistance to local governments in Nevada.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 6—Urging cities and counties in this state to establish zones to protect wells which supply water to public water systems from contamination.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 7—Directing the Director of the State Department of Conservation and Natural Resources to develop and adopt a program which gives credits to a holder of a water right for water saved through a plan of conservation.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 8—Urging the State Department of Conservation and Natural Resources to establish a joint office of the Division of Environmental Protection and the Division of Water Resources in Clark County.

Assemblyman Garner moved that the resolution be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 105—An Act relating to the consumer's advocate; repealing the provision limiting his authority concerning certain tariffs requested by telephone utilities; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 106—An Act relating to sheriffs; repealing certain statutes relating to obsolete duties of sheriffs; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 107—An Act relating to notaries public; requiring a notary public to verify identity and certain other matters in connection with the performance of notarial acts; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 108—An Act relating to meetings of public bodies; allowing closed meeting to discuss confidential investigative information; extending the time certain records must be retained; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 109—An Act relating to district attorneys; authorizing the commencement of an action to determine the physical or emotional fitness of a district attorney to perform the duties of his office; revising the procedure for filling a vacancy in the office of district attorney; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 110—An Act relating to counties; including cultural activities within the scope of county powers concerning parks and recreation; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 111—An Act relating to county recorders; authorizing production of a certified abstract of a recorded certificate of marriage in lieu of a certified photocopy; authorizing collection of a related fee; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 112—An Act relating to constables; revising the provisions governing the fees charged by a constable; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 113—An Act relating to sheriffs; expanding the restriction on the practice of law by a sheriff; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 114—An Act relating to public defenders; prohibiting certain counties from creating the office of county public defender during specified times; revises date on which the board of county commissioners is required to provide notice of intent to create office; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 115—An Act relating to county officers; entitling elected county officers to receive payments for longevity after 1 year of service; increasing the amount of those payments; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 116—An Act relating to entertainment by referral; providing for the licensing and regulation of entertainment by referral services and all related entertainers outside of incorporated cities; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 117—An Act relating to county treasurers; requiring a county treasurer to account separately for money received or paid out from taxes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 118—An Act relating to local improvement districts; changing the manner in which notice of a hearing on a proposed improvement project is required to be given to certain residents of the district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 119—An Act relating to cities; clarifying the definition of "contiguous" for purposes of the laws governing annexation by cities; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 120—An Act relating to planning; increasing the compensation of members of a planning commission; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 121—An Act relating to land use; providing limitations on certain actions; providing that certain appeals may not be taken to a board of adjustment; revising provisions relating to certifying and recording of certain plans; repealing provisions relating to replacement of certain structures not in conformance with zoning ordinance; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 122—An Act relating to the division of land; revising the procedure for correcting errors in plats, records of survey and maps of subdivisions of land; establishing a procedure for recording boundaries created by a conveyance from an industrial commercial subdivision; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 123—An Act relating to the division of land; eliminating the authorization to waive the requirement that parcel maps of certain divisions of land be based on surveys made for that purpose; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 124—An Act relating to regional planning; requiring the consideration of a safety plan for technological hazards in the development of a regional master plan; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 125—An Act relating to the residential construction tax; extending the period within which revenue from the tax must be used if the development of a park or installation of facilities is delayed by certain actions taken by the state or Federal Government; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 126—An Act relating to local governmental finance; extending the period within which an impact fee must be used if the construction of the capital improvement or facility expansion is delayed by certain actions taken by the state or Federal Government; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 127—An Act relating to the division of land; providing that an offer to dedicate property indicated on a parcel map for a street or easement remains open and may be accepted at any later date; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 128—An Act relating to the division of land; authorizing local planning commissions to take final action on proposed divisions of land into large parcels; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 129—An Act relating to zoning; authorizing the governing body of a city or county to allow hearing examiners to take final action on applications for zoning variances and other matters affecting zoning; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 130—An Act relating to state employees; authorizing collective bargaining for certain employees in the classified service of the state; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 131—An Act relating to employees of local governments; limiting the scope of mandatory bargaining in the negotiation of a contract between teachers and the board of trustees of a county school district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 132—An Act relating to collective bargaining by local governments; limiting factfinding to the issue of salary in a labor dispute involving a local school district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 133—An Act relating to public employees; changing the composition of the public employees' retirement board; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 134—An Act relating to state employees; requiring, upon request, the granting of a leave of absence without pay to care for newborn children; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 135—An Act relating to state employees; allowing certain employees in classified service to choose work schedules based on their seniority; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 136—An Act relating to public officers and employees; clarifying that such persons may enter into contracts with this state as independent contractors; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 137—An Act relating to public employee's retirement; increasing the civil penalty for late reporting and payment of contributions by public employers; providing a related criminal penalty; revising the upper limit on service credit for public employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 138—An Act relating to public employees; limiting the period in which a public employee may remain on leave without pay while receiving benefits for a work-related illness or injury; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 139—An Act relating to the state personnel system; requiring that reports on the performance of state employees be filed on or before certain dates; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 140—An Act relating to insurance for public officers and employees; requiring the committee on group insurance to establish the levels of participation in the state's program of group insurance required for participating public agencies; revising the provision authorizing separate rates and coverage for such agencies; exempting the state's program of group insurance from certain requirements for replacement policies of group health insurance; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 141—An Act relating to the public employees' retirement system; clarifying the provision concerning the computation of the average compensation of certain local governmental officers; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 142—An Act relating to employees of local governments; excluding nonrecurring revenue and money maintained in certain funds from consideration by a factfinder in the resolution of a dispute between local governments and their employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 143—An Act relating to employees of local governments; revising the definition of collective bargaining for the purposes of the provisions governing relations between local governments and their employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 144—An Act relating to public employees; authorizing the temporary limited appointment of certain handicapped persons to all class grades in the classified service; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 145—An Act relating to local ethics committees; providing for the confidentiality of opinions rendered by such committees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 146—An Act relating to general improvement districts; increasing the fine authorized for a violation of any sanitary regulation adopted by the board of trustees of a district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 147—An Act relating to assistance to finance housing; authorizing the housing division of the department of commerce to issue letters of credit to finance residential housing; authorizing the transfer of certain money in bond reserve funds established by the division to the trust fund for low-income housing; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 148—An Act relating to housing authorities; reorganizing the Nevada rural housing authority; clarifying the applicability of certain statutes to the Nevada rural housing authority; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 149—An Act relating to purchasing; making various changes relating to the purchasing division of the department of general services; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 150—An Act relating to local financial administration; allowing a board of county commissioners to delegate its authority to approve certain claims for refunds; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 151—An Act relating to public investments; allowing the investment of money in the state permanent school fund in United States treasury notes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 152—An Act relating to public investments; allowing local governments to invest in certain commercial paper; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 153—An Act relating to the investment of money by the state treasurer on behalf of local governments; regulating certain aspects and providing for the regulation of others by the state treasurer; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 154—An Act relating to public financial administration; allowing depositories of state money to return to state treasurer microfilmed copies of paid checks; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 155—An Act relating to local government investments; allowing local governments to invest in certain mutual funds; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 156—An Act relating to public investments; increasing the percentage of state money that may be invested in bankers' acceptances; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 157—An Act relating to public investments; increasing the amount of money that may be invested in bankers' acceptances by a county or city; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 158—An Act relating to state finance; expanding the justification for an immediate revision of a work program of a department, institution or agency of the executive department of the state government; clarifying the procedure for the acceptance of a private grant to a state agency; authorizing the interim finance committee to approve an expenditure from the education gift fund when the legislature is not is session; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 159—An Act relating to the publication of notices; eliminating the requirement of publishing the delinquent tax list; repealing the requirement of publication of the list of voters; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 160—An Act relating to emergency management; prohibiting certain persons from depriving an employee of his employment based on his service as a member of a volunteer search and rescue or reserve unit of a sheriff's department or a Civil Air Patrol unit; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 161—An Act relating to veteran affairs; eliminating the obsolete statutory reference to United Spanish War Veterans; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 162—An Act relating to hazardous materials; limiting the state fire marshal's authority to issue permits for the storage of hazardous materials; providing that in certain counties the chief officer of an organized fire department may issue permits; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 163—An Act relating to the state engineer; increasing the fees for the appointment and licensing of state water right surveyors and well drillers; expanding the permissible use of certain fees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 164—An Act relating to the Colorado River commission; authorizing the issuance of additional bonds; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 165—An Act relating to the City of Henderson; authorizing the city to lease residential property for a term of 1 year or less without the necessity of a resolution and publication of notice; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 166—An Act relating to the City of Reno; authorizing the city council to fix the rate for any utility provided by public enterprise; providing that any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 167—An Act relating to the Las Vegas Valley water district; authorizing the general manager of the district to designate employees to issue citations for violations of the water district act; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 168—An Act relating to water; directing the state engineer to establish a program that credits water rights to a public water system for adding certain customers; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 169—An Act relating to the division of land; authorizing local governing bodies to require all parcel maps of proposed divisions of land to include such provisions for the supply and quality of water and for sewerage as are reasonably necessary; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 170—An Act relating to parcel maps; requiring the approval of certain state agencies as to water quantity and quality before parcel maps for the division of land which will not be served by a certain water system may be recorded; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 171—An Act relating to water projects; requiring the administrator of the health division of the department of human resources, or a person he designates, to serve ex officio as a nonvoting member of the board for financing water projects; requiring the board to request the administrator to comment on any proposed water projects which affect drinking water; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 172—An Act relating to ground water; authorizing the state engineer to enter into interstate agreements for the management of ground water basins shared with an adjoining state; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 173—An Act relating to water; declaring the policy of this state regarding the use of effluent; clarifying the authority of the state engineer to approve applications and issue permits for the appropriation of certain applications; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 174—An Act relating to public utilities; requiring certain public utilities to obtain the permission of the public service commission of Nevada before disposing of or encumbering their property; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 175—An Act relating to water resources; declaring the policy of the legislature concerning the relationship between quantity and quality in water planning; requiring the division of water planning of the state department of conservation and natural resources to consider that relationship in its planning; requiring the division to analyze potential sites for the development of facilities for the storage of water upstream; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 176—An Act relating to water; authorizing the state engineer to require certain information from applicants submitting multiple applications for diversions of water for a single project; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 177—An Act relating to the public employees' retirement system; authorizing an employee of the State of Nevada to pay his own contributions to the public employees' retirement system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 178—An Act relating to the state personnel system; increasing the maximum allowable payment for unused sick leave; authorizing optional methods of payment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 179—An Act relating to the University of Nevada System; increasing the rate of contribution for the retirement program of the professional employees of the University of Nevada System; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 180—An Act relating to the state personnel system; increasing the amount of compensation paid to state employees to encourage continuity of service; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 181—An Act relating to employees in the classified service; requiring that such an employee be compensated while he is on standby status; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 182—An Act relating to group insurance for public employees; establishing a formula for determining the amount payable by the state toward the cost of insurance for certain retired employees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 183—An Act relating to merit awards for state employees; revising the eligibility requirements for merit awards; authorizing the expenditure of a limited amount of money for expenses of the merit award board; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 184—An Act relating to public employees' retirement; requiring the state to pay a portion of the cost of converting service credit in the public employee's retirement fund to service credit in the police and firemen's retirement fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 185—An Act relating to state finance; eliminating reversion requirements for certain internal service funds; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 186—An Act relating to state employees; requiring that free parking be available at buildings where such employees work or that reimbursement be made for the cost of parking; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 187—An Act relating to state employees; requiring an employer to pay for certain licenses required as a condition of state employment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 188—An Act relating to state property; expanding and clarifying the jurisdiction of police officers employed by the chief of the buildings and grounds division of the department of general services; authorizing the chief to adopt necessary regulations; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 189—An Act relating to local governments; authorizing cities and counties to collect fees for expenses incurred in responding to certain emergencies; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 190—An Act relating to public officers; making various changes to ethical standards for public officers; authorizing the commission on ethics to investigate certain matters and issue subpenas; prohibiting the personal use of campaign contributions; providing for the limited disposition of unspent contributions after an election; providing for financial disclosure of candidates for judicial office; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 191—An Act relating to state printing; creating the micrographics and administration sections within the state printing and micrographics division of the department of general services; requiring micrographic reproductions of certain records to be made by the division; authorizing the division to employ bindery workers; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 192—An Act relating to public employees; requiring computation of authorized military leave for public employees in hours instead of days; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 193—An Act relating to the personnel commission; increasing the number of members of the commission; providing for their selection by appointment and election; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 194—An Act relating to the attorney general; establishing the attorney general's fund for litigation; establishing requirements for the use of the money in the fund; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 195—An Act relating to state employees; revising the period of work considered as overtime; allowing employees to select the form of compensation to be received for overtime; requiring the provision of meals or the payment of a per diem allowance for meals certain employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 196—An Act making an appropriation to the state department of conservation and natural resources for the continuing examination of the undeveloped and partially developed ground water basins in Nevada to determine their potential as additional sources for water; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 197—An Act relating to community water systems; establishing a program of loans for capital improvements required of community water systems; authorizing the issuance of revenue bonds to support the purposes of the program; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 198—An Act relating to water systems; establishing a program of grants for capital improvements required of certain water systems; authorizing the issuance of general obligation bonds to support the purposes of the program levying a property tax to support the consolidated bond interest and redemption fund; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblyman Spriggs:

Assembly Bill No. 199—An Act relating to counties; requiring the appointment of an additional member of the county fair and recreation board in certain counties; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Heller, Bergevin, Kerns, Elliott, Bennett, Carpenter, Haller, Johnson, McGinness, Wong, Petrak, Spriggs, Anderson, Krenzer, Bache, Marvel, Giunchigliani, Spitler, Arberry, Pettyjohn, Hardy, McGaughey, Bayley, Scherer, Gregory, Norton, Wendell Williams, Humke, Little, Gibbons and Freeman:

Assembly Bill No. 200—An Act making an appropriation to the state public works board for the cost of reinforcing the building that houses the Nevada state museum; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:03 a.m.

## ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 201—An Act relating to relating to traumatic brain injuries; creating the advisory committee on traumatic brain injuries; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 202—An Act relating to massage therapists; providing for the licensing and regulation of massage therapists and establishments; creating the board of massage therapists; prescribing the powers and duties of the board; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Spriggs, Lambert, Kerns, Wendell Williams, McGaughey, Carpenter, Spitler, Bergevin, Myrna Williams, Little, Heller, Hardy, McGinness, Haller, Humke, Arberry, Norton, Bayley, Callister, Sader, Price, Porter, Freeman, Marvel, Dini, Wong, Scherer, Pettyjohn, Stout, Johnson, Goetting and Evans:

Assembly Bill No. 203—An Act relating to alcoholic beverages; prescribing the permitted activities of a domestic winery; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen McGaughey, Dini, Marvel, Bergevin, Garner, Lambert, Spriggs, Freeman, Haller, Kerns, Little, Bennett, Elliott, Gibbons, Bayley, Humke, Spitler, McGinness, Scherer, Porter, Callister, Sader, Myrna Williams, Giunchigliani, Price, Goetting, Bache, Pettyjohn, Norton, Hardy, Stout, Carpenter, Heller, Arberry, Wong, Wendell Williams, Gregory, Krenzer and Petrak:

Assembly Bill No. 204—An Act relating to collegiate athletics; requiring national collegiate athletic associations to observe minimum procedural standards in proceedings involving member institutions in Nevada; creating a cause of action if those requirements are not observed; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Myrna Williams, Porter, Price, Callister, Evans, Arberry, Lambert, Goetting, Giunchigliani, Spriggs, Norton, McGaughey, Sader, Wendell Williams, Gregory, Scherer, Humke, Petrak, Carpenter,

Gibbons, Wong, Johnson, Bennett, Krenzer, Garner, Heller, Bayley, Hardy, Haller, McGinness, Spitler, Anderson, Bache, Pettyjohn, Freeman and Dini:

Assembly Bill No. 205—An Act relating to public employees; making compliance with the code of ethical standards mandatory; authorizing the chairman of the commission on ethics to request an advisory opinion on certain matters from the attorney general, providing a civil penalty for the failure to comply with the code of ethical standards; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Myrna Williams, Porter, Price, Callister, Evans, Arberry, Lambert, Goetting, Giunchigliani, Spriggs, Norton, McGaughey, Gregory, Wendell Williams, Scherer, Humke, Petrak, Carpenter, Gibbons, Wong, Bayley, Johnson, Krenzer, Bennett, Garner, Heller, Hardy, Haller, Spitler, Anderson, Bache, Pettyjohn, Freeman and Dini:

Assembly Bill No. 206—An Act relating to education; requiring certain students who receive stipends from the Western Interstate Commission for Higher Education to provide service without pay to the state government or any local government; requiring the commissioners from the state to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Humke, Porter, McGaughey, Callister, Arberry, Spriggs, Myrna Williams, Scherer, Kerns, Wong, Elliott, Garner and Norton:

Assembly Bill No. 207—An Act relating to providers of health care; allowing the establishment of a committee to identify, treat and rehabilitate impaired providers of health care; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 208—An Act relating to malt beverage liquor; increasing the rate of tax on malt beverage liquor; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Norm Cardoza, NEVADA FARM BUREAU: Howard Dupree, KICK RADIO.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 6:30 p.m.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 6:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Arberry and Myrna Williams to invite the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Price and Spriggs to escort the President pro Tempore of the Senate to the rostrum.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Freeman and Lambert to escort the President of the Senate to the rostrum.

Assemblyman Arberry reported that his committee had invited the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

The Committee on Escort in company with the President of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President of the Senate to the rostrum.

The Committee on Escort in company with the President pro Tempore of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President pro Tempore to the rostrum.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 6:55 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Townsend, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Neal and Assemblyman Sader to wait upon the Governor of the State of Nevada and escort him to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Hickey and Assemblyman Callister to wait upon the Justices of the Supreme Court and escort them to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Horn and Assemblyman Bergevin to wait upon the Constitutional Officers and escort them to the Assembly Chamber.

The Committee on Escort in company with the Constitutional Officers appeared before the bar of the Assembly.

The Committee on Escort escorted the Constitutional Officers to chairs in the Assembly.

The Committee on Escort in company with Chief Justice John C. Mowbray, Justice Robert E. Rose, Justice Charles E. Springer and Justice Thomas L. Steffen appeared before the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to chairs in the Assembly.

The Committee on Escort in company with his Excellency, Bob Miller, Governor of the State of Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Governor to the rostrum.

The Speaker of the Assembly welcomed the Governor and invited him to deliver his message.

The Governor delivered his message as follows:

Madam President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the Supreme Court, members of the 66th Nevada Legislature, honored guests and fellow Nevadans.

Tonight American men and women are serving our nation in the Persian Gulf. Many Nevadans, as they always have, answered the call to duty.

To help us remember the sacrifices of these as well as past generations of soldiers, I have asked veterans from World War I, World War II, Korea and Vietnam to take their honored place tonight in this Chamber.

Every one of us is holding our breath, praying for peace and anxiously awaiting the safe return of our American troops and the Nevadans among them.

I have ordered that, beginning tomorrow, the Nevada state flag is to be flown at three-quarters mast over the State Capitol. And it will be done every day as a salute and in tribute to the brave Nevadans serving in the Gulf, for as long as any of them are there. But we here must do more than just remember. The elected officials in this room have an obligation . . . to make certain our own level of service and commitment measures up to that of our men and women overseas.

As elected representatives, each of us is called not only to manage government, but to lead people. Whether we intend it or not, we lead by example. Let us make our example worthy of those we ask to follow us and vote for us.

The highest standard of leadership means having the trust and confidence of all Nevadans.

The leadership of this legislature, both Republican and Democrat . . . has already taken the first major step by pledging the quick passage of the ethics in government campaign bill.

We must lower the campaign contribution disclosure limit, prohibit honoraria, strengthen conflict of interest rules and give the Nevada Commission on Ethics . . . the authority to enforce these laws and penalize violators.

The bottom line is . . . our government must place public interest above special interest every time.

Placing public interest above all else means providing the leadership Nevada needs. One of the most important ways we prove our allegiance with the people is to stand up and staunchly protect consumers.

Nevadans are rapidly finding they can no longer afford automobile insurance. I say to the auto insurance industry, Nevadans demand you get your costs under control. We will not tolerate these skyrocketing prices. Our insurance costs are the fourth highest in the nation . . . one in five Nevadans drives without insurance, risking their family's financial security.

Despite this, the automobile insurance industry is lined up at the door of Insurance Commissioner Al Iuppa seeking even higher rates. As of today, there are 42 requests for rate increases.

Now—more than ever before—we must have a consumer advocate practicing before the Insurance Commissioner. This must be the year consumers get their voice in the process.

Another vitally important consumer issue: hospital costs. For the past four months I have been engaged in a series of tough negotiations trying to crack this problem. Our hospital costs are the highest in the nation—hospital care is out of reach for far, far too many Nevadans. This is not a situation we can accept—and we have not.

The state's five major hospitals have agreed to place a complete freeze on all charges for a full year beginning in July.

A major feature of this settlement extends state price controls to hospital out-patient services—an area formerly unregulated . . . an area that has skyrocketed in price under the old cost-containment law.

And hospitals have agreed to a 30 percent rollback in charges to all patients who have to pay their own bills. This rollback will dramatically reduce the financial crunch of a single hospital stay that can be placed on a family.

Hospitals will pay for an independent consumer complaint division . . . that will investigate and have the authority to arbitrate bill complaints from patients. Consumers with high bill complaints will now get action! And at no cost to taxpayers!

The agreement also includes funding for rural hospital assistance, an additional $250,000 a year in nursing training programs. But the most important information is this: in the first year Nevada consumers will save $155 million—and another $186 million the second year. And Nevada will fall out of first place in hospital charges this year! It's about time!

As we plan for the '90's, and beyond, there's one all-encompassing challenge . . . growth.

Nevada has been America's fastest growing state for a decade . . . by a wide margin . . . and our growth rate has been climbing steadily. Four years ago our annual growth rate was barely over four percent. Today it is nearly seven percent.

Nowhere is the strain of rapid growth more apparent than on our roads. Our roads are crowded, beat-up avenues of frustration! In fact, "Clark County Transportation" has become an oxymoron.

By any measure, it is obvious that road maintenance and traffic congestion are major problems throughout our state. Cutbacks in federal transportation funding have made the problem even worse.

By voting for Question 10, the voters of Clark County have shown their willingness to support a transportation funding program on the local level. Your action is needed to make the Clark County plan work—I ask you . . . quickly and enthusiastically vote "Yes" one

more time on Question 10! The Department of Motor Vehicles buildings in Southern Nevada are as crowded as our roads and highways. Last year 820,000 Las Vegans stood in long DMV lines. They deserve better service. And we are going to give it to them.

I propose we build a full-service facility that will increase our Southern Nevada capacity and eliminate those long insufferable lines.

For many, growth means opportunity. Nevada's business community has flourished. Last year 40,000 new jobs were created . . . that's the highest new job rate in the nation. The average Nevadan's personal income increased seven and a-half percent last year . . . we rank 12th highest among the states in per capita income.

But even prosperity has a price tag. For example, during this coming biennium, we will enroll 25,000 new students in our public schools. The impact of that growth on the state's budget: $46 million. That's growth only . . . not one new initiative.

University system growth will bring in nearly 4,000 new full-time students—cost: $22 million.

Public assistance growth: $34 million. State prison population growth: over $17 million.

The fact is the cost to our budget for growth alone is nearly $140 million.

Even though Nevada is driven by a dynamic economic engine, the cost of delivering vital services—education, public safety and environmental protection—has increased dramatically.

The truth is inescapable. To meet our state's needs . . . we must increase our state's revenues.

I have often said that any new revenue must come from a broad-based, fair source—having as small an impact as possible. That's why I am asking for your support for a business activity tax, a low rate, small burden, broad-based tax.

I want to take every step we can to reduce any strain this may put on our business community. Therefore, I will ask that the average rate for unemployment insurance, a fee now paid by businesses to the Employment Security Department, be reduced.

This reduction will save Nevada businesses about $54 million dollars over two years . . . a savings that will offset about one-fourth of the cost of this new tax. At the same time we must be sure the small business base of our economy is protected. Therefore I am proposing measures to protect small businesses. These measures will mean more than 10,000 companies will pay no more than an annual $150 flat business license fee.

Let's be clear on one thing: This is a tax paid fully by businesses . . . not by individual employees.

My proposal will generate $128 million in new revenue the first year. And we will maintain our position of having the second lowest tax burden in the nation—second lowest!

We need this additional revenue to keep our state strong, continue to deliver needed services and protect our prosperity.

We must show our citizens we care about their lives, their children and their future. We must also show our employers we care about the quality of their workforce.

Education is the very foundation for building a strong Nevada future. Therefore over 61 percent of all new revenues in my budget go to education.

In 1989, we took the first step toward achieving our most significant single educational improvement: class size reduction in all the primary grades. It's working!

We have already reduced class sizes in our kindergartens with the greatest numbers of "at risk" students. We achieved a 15 to 1 pupil-teacher ratio in the first grade.

We must now take the next step. Next year, we must reduce the class sizes for second grade from the current 26 to 1 level down to 19 to 1. And in the second year of this biennium, we must do the same with third grade.

We cannot stop now—let's make certain every Nevada child starts his educational career with a solid skill base.

The champions of this class size reduction success are clearly our first grade teachers. The main burden of making this great program work falls squarely on these educators. I am extremely proud of our teachers. They know it works, you know it works.

Teachers are the most important quality component of our education system. We must invest in our future by helping professional educators improve and grow to their full potential. The better our teachers . . . the better our schools . . . the stronger our children become. So my budget includes an appropriation to provide free college credit courses to help teachers advance. All of our state's teachers can benefit from this program. Many business leaders have told me we must do more for those students about to enter the work force. I agree. I have responded by proposing a major step in creating an effective, comprehensive program to give students occupational education. It's time we stop trying to fit all our children into existing programs and start providing the educational programs each child really needs.

Further, I believe we must alleviate the tremendous level of overcrowding that exists in our colleges. Our university system is the key to a strong, competitive Nevada in the 21st century—and we must build for that future now.

Therefore, I am recommending this legislature renovate various facilities at the University of Nevada, Reno. We must also fund the planning and design of the Advanced Technology Center at Truckee Meadows Community College. I further recommend the construction of classroom additions throughout our community college system.

On the rapidly growing UNLV campus, I recommend construction of not only the architecture building . . . but also the chemistry and physics building . . . and a general classroom/office complex as well.

There is one more education program that is near and dear to my heart. We have men and women throughout Nevada who want, and deserve, the opportunity to upgrade their training.

But going back can be tough. For example, many who have not been in an algebra class for 10 or 15 years find it difficult to return to a large classroom. Therefore, I propose to fund the reduction of class sizes for these returning students.

I attend many college graduations. In the past you would hear the traditional, "Congratulations, Son," called out from the audience as another young man received his degree. Well, there is a change in the air. More often at college graduations, you hear the cheer coming from the audience, "Way to go, Mom." This program will help many more people get their chance.

I have talked so far this evening about our growth, the demands it makes on our infrastructure . . . and the additional revenues, services and programs we must have just to meet very basic needs. Growth, coupled with increased federal mandates, strains our budget, challenges us with possible cutbacks, requires hard decisions.

But we cannot ask our teachers to subsidize our growth by going without salary increases.

The backbone of education is the quality of our teachers. We in Nevada are lucky to have so many dedicated and qualified professionals working in our state's classrooms.

I am proposing a first year, four percent pay raise for teachers and state employees, with a commitment to monitor the economy in the hopes of increasing that first year level to five percent even before this session is out. Additionally, I ask for your support in providing salary triggers of up to five percent in the second year of the biennium.

I wish we could do more. We need to do more. But even in difficult times we must make some progress toward our goal.

School has always been a place for new beginnings—where people share and grow. However, this year, the first day of school was marred by murder in the Eldorado High School cafeteria. A 16-year-old juvenile was arrested for the shooting. Earlier in the summer a murder resulted in the arrest of five teenagers. The suspected shooter was only 14 years old.

One of the most dangerous trends in our society today is the growth of street gangs. All the trends are bad: the numbers of gangs and gang members are spiraling . . . their activity is becoming more and more violent . . . and violent crimes are committed by younger and younger children. I will introduce a comprehensive anti-criminal street gang package during this session, which includes tougher enforcement, stricter laws, stronger penalties and a provision to make our schools safe. The message we must send to these criminals is: We will take whatever steps are necessary to wipe out gang terrorism.

And in conjunction with this program is the need to continue to aggressively fight the drug war. There are signs we are making real progress. Nationally, during the past five years, cocaine use has decreased by 72 percent. Overall drug abuse in 1990 is down 70 percent. These are signs of progress. But we are a long way from winning.

I propose we appropriate two million dollars to fund the hiring of substance abuse counselors to serve school districts statewide.

Further, I am proposing an additional three million dollar appropriation for prevention, intervention and treatment programs for adolescents and adults . . . plus employee assistance programs, and latch-key programs all aimed at preventing substance abuse.

I have exchanged views about the drug problem with students in all 17 school districts . . . our children are open minded—young people's attitudes can change. However, we cannot expect our children to "just say no" to drugs and gangs unless we are prepared to say "yes" to finding the resources to better protect them . . . better educate them . . . and give them better choices.

Drug abuse is only one of the major contemporary challenges facing our state's families. Never have families been under greater stress. We owe it to our children to protect and preserve the family unit.

I am recommending we enact a significant reorganization of children and family services—designed specifically to improve the status of Nevada's children and families.

My budget proposes the creation of a new Children, Youth and Family Division, a full-service agency that will focus on protection of the family unit, able to provide comprehensive and early services that will help keep families intact.

The foundation of our families is our grandparents. We owe so much to all the seniors who built a strong America and a strong Nevada. Your parents and mine have earned a life of dignity and respect.

Most of all they've earned the right to be treated fairly. We must speak forcefully. Both the Assembly and Senate should send a clear, strong, resounding message to Congress that says, "treat our seniors fairly. End the notch baby rip-off."

We, too, have a responsibility to take care of seniors. One of the best programs we have in this regard, one I am the most proud of, is the community home-based initiative program—CHIP. By providing in-home care, CHIP allows seniors to live in their homes rather than being sent to a nursing home. CHIP is the greatest service we can offer to seniors facing serious health problems—it improves the quality of their life.

I recommend in my budget that we extend CHIP services . . . and a better life . . . to 199 more Nevada seniors.

Senior services and senior citizen centers throughout Nevada are facing a crisis. Some are facing shut-down. This legislature must appropriate $800,000 in state grants that will help preserve senior services throughout the entire state.

We have made progress in protecting our children, our seniors and our consumers. But unless we protect our environment and our natural resources, all our other accomplishments will be hollow.

We Nevadans are pressured to solve our own state's hazardous material predicament. We should not have to solve other states' problems too.

Currently, hazardous material disposal companies in California must pay $105 for each ton of hazardous materials they dispose of in their own state. The cost to dispose of that same ton in Nevada is only twenty dollars.

California has intentionally created an economic incentive forcing California hazmat companies to export hazardous garbage to other states. California gets the benefit of the jobs these industries produce and the taxes these industries pay. And all Nevada has been getting is garbage!

Unfortunately, their plan is working. In 1986, Nevada imported just over 35,000 tons of hazardous materials for disposal. By 1990 that volume grew to over 140,000 tons.

It's time we slam the door on hazmat peddlers.

Eliminate the economic incentive California has created . . . we must require any hazardous material brought from out-of-state for disposal be assessed the same taxes . . . that would have been assessed if disposed of in the originating state. That will shut down

the hazmat pipeline! Unfortunately, the fight against the most serious hazmat threat of all—Yucca Mountain—continues. But now we are facing a whole new offensive. A cynical new strategy . . . to try and buy Nevada's surrender.

Spokesmen for the Department of Energy have teased Nevadans with promises of as much as 100 million dollars if we would just "give-in" on Yucca Mountain. These proposals are naked bribery. They couldn't muscle us. They couldn't push us. So now they're trying to buy us. Nevada's environment, Nevada's health and safety, and Nevada's future are not for sale!

Those who may be tempted by these promises of big payments need only study the record of promises made . . . promises broken . . . by the Department of Energy.

Most everybody here knows the list of DOE's broken promises to Nevada: the promise of full participation in every part of the review process. A promise we had to go to court to force DOE to keep.

The promise there would be a nuclear waste repository on both coasts, broken when they unilaterally cancelled any search for a site in the East. The promise of multiple sites that boiled down to one site: Nevada. If that's not enough look at poor New Mexico. They were asked by DOE and Congress to house the Waste Isolation Pilot Plant (WIPP), a site for storage of a lower grade of waste. They, too, were promised fair treatment and bags of gold!

In 1978, the State of New Mexico was promised they would have an absolute veto over the establishment of the WIPP site. Sound familiar? The federal government reneged, and withdrew the state veto option. Thus began a pattern.

New Mexico was promised the state would be a full participant in all major events. And within days of that promise the DOE sunk the exploratory shaft—in secret—hiding the activity from the state!

New Mexico was promised over $250 million in highway improvements—and in a shameless display, DOE didn't even pretend to try and deliver on this promise—they never even put it forward to Congress. Heard enough?

There's more. New Mexico was promised all nuke waste shipments would be by rail, the safest option. Now, no surprise to us, all the materials will be brought by truck, a more dangerous option. New Mexico was promised all labor and materials would be acquired locally, boosting the economy. A promise made . . . a promise broken. The construction contract went to a Japanese firm. Workers came from labor halls in Oklahoma and Texas. The local purchase and contract awards are less than 20 percent of what was originally promised.

Now the state of New Mexico is left to go, hat in hand, back to Congress to beg for consideration. You see, they bought the line and bargained away their right of refusal in 1981. And that's the same surrender the pro-nuke people in Nevada want us to commit to today. The answer is . . . NO. Not in this lifetime!

As you can see, there is much work to be done. I was happy to learn that for the first time ever, your staff, on the first legislative day had over 1,000 bills finished and ready to go. There they are. Frankly, ladies and gentlemen, I'm not sure Nevada needs 1,000 new laws—but each of these proposals deserves to be heard. We can now start early—and if we work hard—we can finish early!

Tonight, I pledge, above all, to work closely with you, Senators and Assemblymen, Republicans and Democrats, as we stand at this most important crossroads in Nevada's history. I pledge at each step from today forward to be your partner, to work as hard as you do, to listen and to act on your ideas. I am committed to working with you so that together we build on our accomplishments and meet the challenges of the future.

Good luck, goodnight and . . . wouldn't it be nice to be home in May?

Senator Titus moved that the Senate and Assembly in Joint Session extend a vote of thanks to the Governor for his timely, able and constructive message.

Seconded by Assemblyman Garner.

Motion carried unanimously.

The Committee on Escort escorted the Governor to the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to the bar of the Assembly.

The Committee on Escort escorted the Constitutional Officers to the bar of the Assembly.

Senator O'Donnell moved that the Joint Session be dissolved.
Seconded by Assemblyman Haller.
Motion carried unanimously.

Joint Session dissolved at 7:39 p.m.

## ASSEMBLY IN SESSION

At 7:56 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

### REMARKS FROM THE FLOOR

Assemblyman Porter requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Mr. Speaker I have two guests with me today rather an interesting day to have them. We have all heard about the terrorist bombings, I am sure, in Turkey where a religious mission was bombed, in Rio where a Mormon Church was bombed and a Jewish synagogue was bombed. We've seen the headlines on our desk. A number of years ago the lady sitting at my desk decided it was important for children to understand we could never ever allow a civilized country to forget what genocide and holocaust are. Edythe Katz went about the business of doing that until finally we have a Governor's Advisory Committee on Education relating to the holocaust which is almost in every state now. It is also in the universities. The State of Utah has done a wonderful job and it is my pleasure to introduce the Director of the Governor's Advisory Committee on Education relating to the holocaust, Edythe Katz and her Administrative Assistant, Roz Sbarrad.

### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 1; Assembly Concurrent Resolutions Nos. 1, 2; Assembly Resolutions Nos. 1, 2, 3.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Beth Gingold.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Roberta Stedfield and Mr. Paul Stieger.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Thomas Weir.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Edythe Katz and Roz Sbarrad.

Assemblyman Porter moved that the Assembly adjourn until Thursday, January 24, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 7:57 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FOURTH DAY

CARSON CITY (Thursday), January 24, 1991

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O, Lord, our Lord, there are so many things which concern us today. We're concerned over water and taxes and traffic. We are plagued with worries over war, pollution, abuse, crime and fraud. But, Lord, help us to see the good around us too. We thank You for it.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 23, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani and Petrak:

Assembly Joint Resolution No. 5—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially become eligible for such benefits.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Petrak, Garner, Bennett, Anderson, Bache, Scherer, Sader, Norton, Krenzer, Myrna Williams, Gregory, Porter, Wendell Williams, Price, Arberry, Callister, Evans, Dini, Little, Giunchigliani, Spitler, McGaughey, Wong, Humke, Elliott, Carpenter, Stout and Gibbons:

Assembly Joint Resolution No. 6—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially become eligible for such benefits.

Assemblyman Petrak moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Gregory, Little, Elliott, Bayley, Wong, Scherer, Heller, Anderson, Spitler, Carpenter, Krenzer, Hardy, Price, Bergevin, Johnson, Kerns, Petrak, Humke, McGinness, McGaughey, Bache, Wendell Williams, Bennett, Arberry, Stout, Pettyjohn, Goetting, Norton, Haller, Porter, Myrna Williams, Sader, Gibbons and Marvel:

Assembly Joint Resolution No. 7—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially become eligible for such benefits.

Assemblyman Gregory moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Petrak, Dini, Garner, Bennett, Sader, Bache, Krenzer, Myrna Williams, Porter, Wendell Williams, Price, Arberry, Callister, Evans, Giunchigliani, Spitler, Gregory, McGaughey, Wong, Humke, Elliott and Carpenter:

Assembly Concurrent Resolution No. 9—Commending Stephen A. Wynn and his employees for their outstanding service and contributions to their community.

WHEREAS, Stephen A. Wynn, chairman of the board of directors of Golden Nugget, Inc., the corporation that owns the Golden Nugget and The Mirage in Las Vegas plus several other properties within Nevada, has guided and supported his employees in a combined effort to improve the quality of life for persons in his community and state; and

WHEREAS, Employees of the corporation topped $700,000 in donations to United Way in 1990, making it the largest single company contribution in the history of the State of Nevada; and

WHEREAS, Employees of the corporation have offered their enthusiastic support of community programs through weekly visits to senior citizen centers and the Nathan Adelson Hospice, participation in the "Adopt-A-Family" program wherein employees make donations of food, clothing, toys and furniture to families in need of extra support, and regular contributions to several community service organizations working with the homeless; and

WHEREAS, Steve Wynn's commitment to education has always been steadfast and the corporation's financial commitment, under the leadership of Mrs. Elaine Wynn for the past 10 years, has proven to be the single largest source of nongovernmental funding for education in Nevada; and

WHEREAS, In the last election, employees of the corporation volunteered to become trained as Field Deputy Registrars and together registered over 20,000 voters; and

WHEREAS, The employees managed one of the most successful educational campaigns ever seen in Nevada with their own innovative program that educated and encouraged fellow employees to become aware of the issues to be decided upon in the election; and

WHEREAS, In an effort to recognize the courageous contributions that our servicemen and women are making, Stephen Wynn provided live television coverage of the Buster Douglas-Evander Holyfield fight held last October 25, to our nation's soldiers in 120 countries around the world, a first in the history of boxing; and

WHEREAS, Steve Wynn's untiring efforts on behalf of the causes he has been involved in and the leadership he has given to his employees deserve the highest praise and commendation; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby commends Stephen A. Wynn for his outstanding public service and contributions to the State of Nevada and for the leadership he has provided to his friends, associates and employees; and be it further

RESOLVED, That the gratitude and appreciation of this Legislature and of the people of Nevada is hereby expressed to Steve Wynn and his employees for their dedication toward improving their community and this state; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Stephen A. Wynn.

Assemblyman Petrak moved the adoption of the resolution.

Remarks by Assemblymen Petrak and Myrna Williams.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETRAK:

I watched closely the activities that went on with regard to Mr. Wynn's organization and the people he has involved in all the points mentioned in the resolution. The man takes above and beyond his normal activities to help out in all of these areas. I certainly recommend concurrence with this resolution.

ASSEMBLYMAN MYRNA WILLIAMS:

I rise in support of the resolution. I think it is important for us to understand that Mr. Wynn has lived and practiced what many of us talk about and that is inclusion in politics in a nonpartisan manner. In a manner that says, voice your choice, we'll help you. It is not just that government involvement helps. The Golden Nugget Mirage has devoted hours to hospice. They give their employees time off with pay for their volunteer hours. They have helped many people in addition to the educational advances that they have made. I think this is really fine government. The philosophy of Mr. Wynn has been if the community is good to you, you must be good back to your community.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 1.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 209—An Act relating to industrial insurance; expanding the liability of an employer in tort; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 210—An Act relating to wildlife; clarifying the restriction on the eligibility for other deer tags of a person who receives a restricted nonresident deer tag; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 211—An Act relating to wildlife; providing that "game bird" does not include a raven, crow or magpie for purposes of statute governing waste of game birds; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Myrna Williams, Bergevin, Haller, Petrak, Giunchigliani, Spitler, McGinness, Bache, Garner, Bennett, Krenzer, Lambert, Sader, Arberry, Porter and Callister:

Assembly Bill No. 212—An Act relating to property tax; increasing the amount of rent deemed to be accrued property tax for the purpose of calculating a senior citizen's allowance against the tax; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By Assemblyman Humke (by request):

Assembly Bill No. 213—An Act relating to crimes; exempting a person from the requirement for reporting the abuse or neglect of a child or the abuse, neglect or exploitation of an older person if he has personal knowledge that another person required to make such a report has already done so; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

## ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 214—An Act relating to deceptive trade practices; establishing the circumstances under which the simulation of a check or invoice may be issued in connection with a sales promotion; reducing the time within which a prize must be delivered after a representation is made that a person has won the prize; providing a remedy for violating any of the provisions governing sales promotions; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 215—An Act relating to traffic laws; allowing the incarceration in a county jail of a person convicted of a third or subsequent offense of driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 216—An Act relating to actions for possession of property; clarifying that district courts have jurisdiction over certain actions for possession of lands and tenements; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 217—An Act relating to future interests in property; limiting the effect of certain clauses providing the date of their vesting; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 218—An Act relating to justices' courts; increasing the monetary limit of the jurisdiction of the justices' courts; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 219—An Act relating to limitation of actions; expanding the period of limitation for a cause of action for damages for injuries caused by sexual abuse which occurred when the plaintiff was a minor; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 220—An Act relating to crimes; exempting a person from the requirement for reporting the abuse or neglect of a child or the

abuse, neglect or exploitation of an older person if he has personal knowledge that another person required to make such a report has already done so; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 221—An Act relating to property; enacting the Uniform Common-Interest Ownership Act; appropriately modifying chapters 117 and 278A of NRS as they remain in effect for condominiums and planned unit developments created before the effective date of this act; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 222—An Act relating to controlled substances; amending the Uniform Controlled Substances Act to incorporate the revisions recommended by the National Conference of Commissioners on Uniform State Laws in 1990; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 223—An Act relating to peace officers; providing for the classification of such officers according to the nature and territorial scope of their powers; limiting or removing the authority of certain persons to exercise the powers of a peace officer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Haller, McGaughey, Gibbons, Bergevin, Petrak, Bennett, Bayley, Norton, Elliott, Giunchigliani, Garner, Anderson, Bache, Johnson, Gregory, Freeman, Little, Dini, Myrna Williams, Heller, Spitler, Evans, Arberry, Krenzer, Wendell Williams, Porter, Price and Sader:

Assembly Bill No. 224—An Act relating to property taxes; revising the provisions regarding the refund of property tax for senior citizens; revising the provisions regarding the renters' refund for senior citizens; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Theron Goynes.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. E. Ann Larson and Mr. Melvin Harrison.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Laura Lee Lenhart.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Verlene Chiodini.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Lonnie Hammargren.

Assemblyman Porter moved that the Assembly adjourn until Friday, January 25, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTH DAY

CARSON CITY (Friday), January 25, 1991

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

God, as we convene in sessions, committees, subcommittees and hearings; as we look, over numbers and statistics on reams and reams of paper, may we never forget the people we represent. And, Lord, may we never forget You. We pray in the name of Jesus who gives us hope. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bergevin and Garner:

Assembly Bill No. 225—An Act relating to public utilities; requiring a public utility upon the request of certain peace officers to assist in tracing a person who uses the 911 emergency telephone number or other emergency telephone service; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, McGaughey, Marvel, Evans, Johnson, Gregory, Heller, Kerns, Haller, McGinness, Freeman, Wong, Petrak, Anderson, Pettyjohn, Spriggs, Bergevin, Price and Carpenter:

Assembly Bill No. 226—An Act making an appropriation to Washoe County from the emergency fund of the supplemental city-county relief tax to repair a water system for the residents of the Crystal Bay area; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Gibbons, Porter, Bergevin, Haller, Spitler, Callister, Myrna Williams, Giunchigliani, Goetting, Evans, Wendell Williams, McGaughey, Marvel, Wong, Bennett, Sader, Freeman, Lambert, Bache,

Pettyjohn, Anderson, Scherer, Bayley, McGinness, Humke, Dini, Norton, Petrak, Price, Arberry, Carpenter, Little, Garner, Heller, Krenzer, Gregory, Spriggs, Hardy, Kerns, Stout and Elliott:

Assembly Bill No. 227—An Act relating to criminal procedure; revising the procedure governing post-conviction petitions for habeas corpus; repealing the alternative statutory procedure for obtaining post-conviction relief; making such changes effective only upon approval of a constitutional amendment concerning writs of habeas corpus; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 228—An Act relating to the Airport Authority of Lander County; renaming the authority the Airport Authority of Battle Mountain; removing the requirement that the authority receive the approval of the board of county commissioners before levying certain taxes, borrowing money or issuing warrants or interim debentures to evidence money borrowed; revising the method of filling a vacancy on the board of trustees; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 229—An Act making an appropriation to Yerington Grammar School No. 9 Restoration, Inc., for restoration of the school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 230—An Act making an appropriation to the Fernley Preservation Society for the restoration of the train depot in Fernley; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Dini, Carpenter, Spriggs, Bergevin, Marvel and McGinness:

Assembly Bill No. 231—An Act making an appropriation to the state department of agriculture for the costs related to becoming a member of the Western United States Agricultural Trade Association; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Dini, Carpenter, Spriggs, Bergevin, Marvel and McGinness:

Assembly Bill No. 232—An Act making appropriations to the state fire marshal for training programs concerning hazardous materials and for the training of firemen; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Dini, Freeman, Bennett, Arberry, Myrna Williams, Norton, Price, Giunchigliani, Spitler, Porter, Petrak, Haller, Little, Anderson, Garner, Bache, Evans, Krenzer, Callister, Wendell Williams, Sader, Johnson, Wong and McGaughey:

Assembly Bill No. 233—An Act relating to motor vehicles; reducing the fee for renewing a special license plate for a disabled veteran; authorizing an eligible person to park a motor vehicle that displays special license plates for a disabled veteran in a space designated for a handicapped person; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Dini, Elliott, Spriggs, McGinness, Marvel, Bergevin, Heller and Carpenter:

Assembly Bill No. 234—An Act relating to physicians' assistants; requiring the board of medical examiners to adopt a procedure for waiving any requirement that a physician's assistant possess a bachelor's degree in a county whose population is less than 25,000; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 235—An Act relating to elective offices; designating the office of district attorney as nonpartisan in certain counties; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 236—An Act relating to legislative audits; requiring the chairman of the legislative commission to designate alternates for the members of the audit subcommittee; making various changes relating to

legislative audits; authorizing the legislative commission to adopt certain regulations relating to legislative audits; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair

Motion carried.

Assembly in recess at 11:14 a.m.

## ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 237—An Act relating to the transportation of pupils; prohibiting a driver from operating a vehicle to transport pupils without an adequate period of rest; authorizing designated areas in which school buses may be loaded and unloaded off the roadway; clarifying the provisions prescribing certain conduct of motorists when approaching a school bus; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 238—An Act relating to education; increasing the number of hours of training required for school bus drivers; making an appropriation to the department of education to provide additional money to train school bus drivers; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 239—An Act relating to the department of human resources; requiring the director of the department to adopt a master plan for the provision of human services; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 240—An Act relating to child care; establishing a program to provide monetary assistance for working parents to obtain child care; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 241—An Act relating to child care; establishing a program to provide grants for the expansion of Head Start programs; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 242—An Act relating to child care; expanding the duties of the bureau of services for child care of the youth services division of the department of human resources; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 243—An Act relating to child care; providing for grants to allow children of low-income families to participate in programs for children whose parents are employed after school hours; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By Assemblymen Bergevin, Myrna Williams, Callister, Marvel, Lambert, Dini and Price:

Assembly Bill No. 244—An Act relating to taxation; revising the definition of "agricultural real property" and "agricultural use" for certain purposes relating to property tax; and providing other matters properly relating thereto.

Assemblyman Bergevin moved that the bill be referred to the Committee on Taxation.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Haller requested that his remarks be entered in the Journal.

It has come to my attention that we have some problems in recognizing people and I find that I have a problem with a young man who is blond and handsome, neither of which am I, and so from now on I'd like to, and this took a lot of thought. For many years I wanted people to call me Hallar so that we can get a good distinction.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Matthew Mellow.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mildred Glasgow.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Curtis vonSchimmelmann.

Assemblyman Evans moved that the Assembly adjourn until Monday, January 28, 1991 at 9 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTH DAY

CARSON CITY (Monday), January 28, 1991

Assembly called to order at 9:07 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Roy Parker.

Let us pray, our Father who art in Heaven and Earth. We acknowledge our need for Your guidance this day in the midst of our problems facing us as a nation, and as a people. Be with our forces there in the Gulf Crisis and with our leaders so that they will know just what to do.

Give guidance here in this Assembly Session to each of our chosen and honorable representatives. Cause them to govern us with Your wisdom and understanding.

We express our thanks for all of Your goodness and mercy to us in the name of our Lord and Savior, Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 23, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 16.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Concurrent Resolution No. 10—Directing the Public Service Commission of Nevada to consider and address certain concerns of the public and the Legislature.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 11—Directing the Department of Transportation and the Nevada Highway Patrol Division and Motor Carrier Division of the Department of Motor Vehicles and Public Safety to provide

the Legislature with an analysis of the costs and benefits of constructing and operating ports of entry within Nevada before the construction of any port of entry is begun.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 12—Directing the Department of Motor Vehicles and Public Safety to evaluate the adequacy of existing penalties for the unlawful operation of motor carriers.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 16.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Assemblyman Callister requested that Assemblyman Porter's remarks be entered in the Journal.

SCR 16 establishes January 31, 1991, as Law Enforcement Appreciation Day in Nevada. I think all of us are quite familiar with the very difficult task that law enforcement has in the State of Nevada. They are understaffed, underpaid and overworked. And most of the time the public doesn't take the time to recognize the tremendous sacrifices that a law enforcement officer must undertake not only with his family but as he puts his life on the line every day that he goes out and does his job. Madam Speaker, I would just like to remind the law enforcement people here that I do drive a red car. I ask that the resolution be adopted.

Resolution adopted unanimously.

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

Assembly in recess at 9:16 a.m.

## ASSEMBLY IN SESSION

At 9:21 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wendell Williams, Arberry, Price, Callister, Giunchigliani and Porter:

Assembly Bill No. 245—An Act relating to peace officers; limiting the use of a choke hold by a person who is exercising the powers of a peace officer; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Callister requested that Assemblyman Anderson's remarks be entered in the Journal.

This is the fifth anniversary of the Challenger disaster and I ask that today's session be dedicated to the memory of the brave astronauts who died aboard that vehicle.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dan Speth.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, January 29, 1991 at 11 a.m., and that it do so in memory of the brave Astronauts who died aboard the Challenger.

Motion carried.

Assembly adjourned at 9:26 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINTH DAY

CARSON CITY (Tuesday), January 29, 1991

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray. Oh God of Abraham, Isaac, and Jacob, and us as well, we recognize our need of You in every area of our lives. We see You in the beautiful expressions of nature all around us. Now, wouldest Thou make known Your reality to each one standing here this morning.

Lord, Your world tells us that when we ask, we will receive from You, therefore, we thank You for all that You do on our behalf. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 99; Assembly Joint Resolution No. 23 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

GENE T. PORTER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 8 be re-referred to the Committee on Judiciary.

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 13—Urging local governments to revise zoning restrictions and building codes to encourage the development of affordable mobile home parks for persons of low income.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 246—An Act relating to cooperative agreements; clarifying certain provisions relating to the sale, lease or exchange of land by the State of Nevada to another public agency; removing certain restrictions on the conveyance of land between public agencies; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 247—An Act relating to the state personnel system; specifying the circumstances under which vacancies may be filled by open competition; requiring the department of personnel to maintain statistics concerning the positions that are filled by open competition to promote equal opportunity in employment; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 248—An Act relating to real property; revising the provisions governing the notice of a hearing for a proposed zoning change; requiring a seller of residential property to disclose to the initial purchaser certain interests in real property which may be detrimental to the value of the property being sold; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 249—An Act relating to local governments; providing that the findings, decision and award of a factfinder are binding upon the parties to a labor dispute involving a local government and its employees; removing the distinction between employee organizations based on size; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 250—An Act relating to state purchasing; exempting from the provisions of the State Purchasing Act certain purchases made by the bureau of services to the blind in the rehabilitation division of the department of human resources; authorizing the bureau to obtain supplies and services through the purchasing division of the department of general services; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 251—An Act relating to local governments; authorizing a local government to establish a program of volunteers for the enforcement of certain laws concerning parking; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 252—An Act relating to meetings of public bodies; authorizing a public body to close a meeting to interview a candidate for appointment as a public officer or as a member of a public body; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 253—An Act relating to the City of Las Vegas; amending the charter of the City of Las Vegas to provide that the city attorney is appointed by and is under the supervision of the city council rather than the city manager; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 254—An Act relating to insurance; revising the provisions entitling an insured person with a policy of health insurance to reimbursement for treatment by chiropractor; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 255—An Act relating to chiropractic; making various changes regarding the Nevada state board of chiropractic examiners and the practice of chiropractic; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 256—An Act relating to commercial transactions; revising articles 3 and 6 and adding article 4A of the Uniform Commercial Code; amending other sections to conform to the revisions and additions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 257—An Act relating to public officers; creating a cause of action for harassment of a public officer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Dini:

Assembly Bill No. 258—An Act making an appropriation to the Lyon County school district for the planning of a multi-district vocational technical high school; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Stout:

Assembly Bill No. 259—An Act relating to licensing boards; creating the state board of orthotists and prosthetists; prescribing the powers and duties of the board; requiring the licensing of orthotists and prosthetists; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Stout moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Dini, Johnson, Krenzer, Bache, Spitler, Arberry, Garner, Evans, Anderson, Wong, Norton, Wendell Williams, Little, Callister, Myrna Williams, Carpenter, Price, McGaughey, Petrak, Bergevin and Giunchigliani:

Assembly Bill No. 260—An Act relating to motor vehicles; authorizing the department of motor vehicles and public safety to issue special license plates to members of the civil air patrol; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

## ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 8—Urging Congress to increase the amount of financial assistance allotted to Head Start programs in Nevada.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 14—Urging employers to adopt strategies to assist their employees with child care.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 15—Authorizing expenditure from the legislative fund for the payment of a speaker to appear before the standing committees of the Assembly and Senate during the 66th session of the Legislature.

Assemblyman Callister moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 261—An Act relating to education; allowing temporary suspension of pupils in program of special education without approval of board of trustees of school district; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 262—An Act relating to professional therapists; reducing the grade an applicant must attain to pass the examination for licensure as a marriage and family therapist; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 263—An Act relating to real property; providing that a seller of real property need not disclose to a buyer that the property was the site of any crime or a death by natural or accidental causes; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 264—An Act relating to contracts of insurance; limiting the circumstances under which recovery under a policy of insurance or an annuity contract may be denied because of misrepresentations, omissions or concealment of facts in the application for the policy or contract; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 265—An Act relating to contractors; requiring that payments to subcontractors be made promptly; defining who qualifies as a "responsible" bidder or contractor on contracts for public works; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 266—An Act relating to franchises; establishing uniform requirements concerning the termination and nonrenewal of certain franchises and the rights and duties of the parties to the franchise; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 267—An Act relating to public advocacy; creating the department of public advocacy; creating the office of the advocate for insurance customers within the department; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Humke, Evans, Callister, Arberry, Price, Lambert, McGinness, Spitler, Haller, Pettyjohn, Heller, McGaughey, Carpenter, Stout, Giunchigliani, Bergevin, Wendell Williams, Gibbons, Gregory, Krenzer, Goetting, Anderson and Myrna Williams:

Assembly Bill No. 268—An Act relating to public schools; directing the state board of education to develop certain programs; requiring counselors to carry out those programs; requiring each school district to employ a certain number of counselors; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Evans, Anderson, Krenzer, Arberry, Bache, Carpenter, Johnson, Myrna Williams, Giunchigliani, Kerns, Spriggs, Stout, Marvel, Freeman, Norton, Elliott, Scherer, Wendell Williams, Price, Heller, Gregory, Hardy, Humke, Callister, Spitler, Lambert, Porter, Bennett, Sader, Dini, Haller and Goetting:

Assembly Bill No. 269—An Act relating to fees for marriage licenses; increasing the fee imposed for the account for aid for victims of domestic violence; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Bache requested that Assemblyman Anderson's remarks be entered in the Journal.

I wish to inform you and this honorable body of the death of the former police chief of the City of Sparks, Mr. Thomas Hill, and that adjournment be in memory of Mr. Hill today. He was a city policeman for 32 years in the City of Sparks, 19 as its police chief. His caring attitude for the citizens of our community reflected on the highest ideals of police and law enforcement. His compassion in dealing with his fellow officers, I think, should be noted by all. I personally mourn his passing. His funeral will be on Thursday at 1:00 p.m. He was a dear, close, personal friend and constituent.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ed Higginbotham.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Nicholas Love, Patrick Love, Justin Smith and Mrs. Sandi Love.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lisa Mayo.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Teresa McNeel.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Joan Rose and Dr. Wendy Scheer.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, January 30, 1991 at 11 a.m., and that it do so in memory of Tom Hill.

Motion carried.

Assembly adjourned at 11:41 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE TENTH DAY

CARSON CITY (Wednesday), January 30, 1991

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray. Oh Lord God, today we pray for Your love to be made real in each one of these Assembly men and women. Let it prevail in this session as well as each committee meeting throughout the day, thus producing a harmony and unity of ideas and spirit that much shall be accomplished. In Your Holy name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Giunchigliani, Myrna Williams, Anderson, Goetting, Wendell Williams, Arberry, Gregory, Wong, Bayley, Haller, Kerns, Bennett, Heller, Krenzer, Bergevin, Johnson, Dini, Callister, McGaughey, Carpenter, McGinness, Elliott, Norton, Evans, Petrak, Freeman, Pettyjohn, Garner, Porter, Gibbons and Sader:

Assembly Joint Resolution No. 9—Proposing to amend the Nevada constitution to provide for limited annual sessions of the legislature.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and section 2 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

*Sec. 29A. The Legislature shall adjourn sine die each regular session not later than midnight in the Pacific time zone 60 calendar days following its commencement. Any legislative action taken after midnight in the Pacific time zone on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.*

Sec. 2. The sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the 3rd Monday of [January next ensuing the election of members of the Assembly,] *February,* unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Gibbons, Petrak, Anderson, Giunchigliani, Pettyjohn, Arberry, Goetting, Sader, Bache, Gregory, Scherer, Bayley, Haller, Spitler, Bennett, Heller, Spriggs, Bergevin, Johnson, Stout, Callister, Lambert, Myrna Williams, Carpenter, Little, Wendell Williams, Elliott, McGaughey, Wong, Evans, McGinness, Krenzer, Freeman, Marvel, Kerns, Garner, Norton, Porter and Dini:

Assembly Bill No. 270—An Act relating to the state legislature; requiring the immediate disclosure of the name of a legislator who requests the preparation of a legislative measure; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Goetting, Price, McGaughey, Porter, Scherer, Anderson, Humke, Pettyjohn, Evans, Haller, McGinness, Spitler, Giunchigliani, Wendell Williams, Little, Elliott, Carpenter, Bennett, Petrak, Stout, Krenzer, Kerns, Marvel, Gibbons, Wong, Johnson, Bache, Callister, Hardy, Gregory, Arberry and Heller:

Assembly Bill No. 271—An Act relating to hazardous waste; establishing fees for the disposal or incineration of hazardous waste; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 99.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 23 of the 65th Session.

Resolution read second time, ordered engrossed and to third reading.

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

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 272—An Act relating to unemployment compensation; making permanent a change in the method for calculating the wages paid to a claimant during his base period; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 273—An Act relating to unemployment compensation; repealing the prospective expiration of the employment training program for claimants of unemployment compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

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

Assembly in recess at 11:20 a.m.

## ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 274—An Act relating to motor vehicles; requiring the loads of certain motor vehicles to be covered in a manner which prevents the load from escaping; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 275—An Act relating to driver's licenses; specifying the time and place for obtaining proof of issuance of a temporary license upon requesting review of the revocation of a permanent license; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 276—An Act relating to financial responsibility for the operation of a motor vehicle; increasing the amount of security required; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 277—An Act relating to crimes; eliminating the requirement that certain citations be prepared in quadruplicate; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Myrna Williams, Humke, Porter, Callister, Sader, Bache, Giunchigliani, Krenzer, Carpenter, Spitler, Norton, Freeman, Elliott, Anderson, Gibbons, Petrak, Bennett, Haller, Price, Wong, Stout, Gregory, Johnson, Marvel, Heller, Goetting, Evans, Pettyjohn, Garner, Dini, Bayley, Hardy and McGaughey:

Assembly Bill No. 278—An Act relating to district courts; increasing the number of district judges provided for the second and eighth judicial districts; creating the family court as a division of the district court in certain judicial districts; providing for the jurisdiction of the court; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Myrna Williams, Porter, Callister, Sader, Humke, Bache, Giunchigliani, Krenzer, Carpenter, Spitler, Norton, Little, Petrak, Anderson, Gibbons, Elliott, Freeman, Haller, Price, Marvel, Heller, Johnson, Bennett, Wong, Gregory, Stout, Scherer, Evans, Goetting, Pettyjohn, Garner, Dini, Hardy, Bayley and McGaughey:

Assembly Bill No. 279—An Act relating to physicians; prohibiting the licensure of a person as a physician, a homeopathic physician or an osteopathic physician if his license to practice medicine in another jurisdiction was revoked for gross medical negligence; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Commerce.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 9.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mark Perez.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sheryl Frazier.

On request of Assemblymen Wendell Williams and Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Annie McClain-Barclay.

Assemblyman Porter moved that the Assembly adjourn until Thursday, January 31, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ELEVENTH DAY

CARSON CITY (Thursday), January 31, 1991

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray. Our Heavenly Father, the stress from the burdens of decision play upon the nerves of our elected ones. We ask that You calm those nerves and relieve the tension of their respective tasks. You have said for us to bring our every care to You and You would help us. We thank You for this and for all of the blessings received at Your hand. In the name of Jesus we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Callister, Marvel, Price, McGinness, Pettyjohn, Goetting, Giunchigliani, Heller, Spitler, Myrna Williams, Stout, Dini and Humke:

Assembly Concurrent Resolution No. 16—Directing the Legislative Commission to conduct an interim study of the welfare system in Nevada.

Assemblyman Evans moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 280—An Act relating to counties; authorizing a board of county commissioners to establish centralized billing and collection of certain fines, fees, bails or forfeitures imposed by a court; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 281—An Act relating to sheriffs; establishing standards of eligibility for a candidate for the office of sheriff; requiring certification of eligibility for each candidate; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Government Affairs and Legislative Functions and Elections.

Motion carried.

By Assemblymen Dini, McGinness, Marvel and Bergevin:

Assembly Bill No. 282—An Act relating to irrigation districts; increasing the amount of indebtedness that may be incurred by the board of directors of an irrigation district; authorizing the issuance of negotiable notes; and providing other matters properly relating thereto.

Assemblyman Bergevin moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Dini, Sader, Carpenter, Wendell Williams, Gibbons, Scherer, Petrak, Elliott, Gregory, Hardy, Humke, Johnson, Evans, Giunchigliani, Bayley, Porter, Norton, Little, Bache, Krenzer, Wong, Garner, Bennett, Freeman, Spriggs, Haller, McGaughey, Goetting, Marvel, Arberry, McGinness, Pettyjohn, Heller, Spitler, Myrna Williams, Stout, Bergevin, Kerns, Lambert, Price and Callister:

Assembly Concurrent Resolution No. 17—Memorializing the late Thomas A. Hill, former Sparks police chief.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of Thomas A. "Tom" Hill; and

WHEREAS, Tom Hill was born on April 10, 1933, the son of a railroad engineer; and

WHEREAS, Tom Hill was a lifetime resident of Sparks who served the City of Sparks with distinction for 32 years as a police officer, including 19 years as the Chief of Police; and

WHEREAS, Tom Hill was regarded with admiration, respect and affection by his fellow officers and friends, who knew him as "El Jefe" (The Chief) and praised him for his compassion and openness; and

WHEREAS, Tom Hill was active in his community and his profession as a lifetime member and former president of the Nevada Sheriffs' and Chiefs' Association, as a member of the International Association of Chiefs of Police and as a member of many fraternal and service organizations; and

WHEREAS, Tom Hill took special pleasure in helping the children of his community, several of whom he sponsored as patients of the Shriner's Hospital for Crippled Children in San Francisco; and

WHEREAS, Tom Hill is survived by his widow, Evelyn J. Hill, his brother Douglas and his sons Thomas S. Hill and Forrest A. Hill, all of Sparks, his son Daniel L. Hill of Zephyr Cove, his daughter, Jeannette Rand of Yerington and two grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature extend their condolences to the family of the late Thomas A. Hill; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Thomas A. Hill's widow, Evelyn J. Hill.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Humke.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

The quality of Mr. Hill's life is highly reflected in the statements that appeared in the newspaper. In his day-to-day caring attitude of a person who personified good government, he was there whenever the people of his community needed him. In a very real sense, he reflected the positive attitude of approachable. He was constantly in the community. There was never a closed door. Tom Hill was always there for his kids, for the people of our community. He, I think, reflects the highest ideals of law enforcement. As a result of him and the type of people that he made sure entered the Police Department of the City of Sparks, reflects the high respect the citizens of our community have for law enforcement officers.

"El Jefe," of course looked upon his wide girth at first as a negative statement until he found that indeed it is a position of respect, "The Chief." He is one of those unique individuals who could look at himself and laugh and saw the real humor in the love of life.

MR. SPEAKER:

I, too, had the pleasure of knowing Mr. Hill for many, many years. Our past led us across a lot of Masonic work. We belonged to a lot of Masonic Orders together. He was recently the Recorder of the Kerak Temple. We served together in the Royal Order of Jesters in the various orders in Reno, but I knew him when he was Chief of Police in Sparks. His reputation was for trying to take care of young people. I know a lot of people in their early thirties who Tom made a great impression on. When he was Chief of Police, he chased them around town and would drag them to their parents. He did not have to arrest them in those days. You just took them home and let father and mother take care of the problem. He believed in caring for his children. His daughter lives in Yerington. He had his heart attack a couple days ago in Yerington when he came to visit his grandkids. He was a man of great dedication and has done a lot of great things for the young people in our state.

ASSEMBLYMAN HUMKE:

Mr. Speaker, I, too, knew Tommy. He was a friend. One thought to amplify on what you have said. I think Tommy personified Sparks as a small town. I know that Sparks is still a small town but it's getting bigger and with his passing goes part of that era as a small town. The other thought, I know that a lot of veteran officers at Sparks PD are deeply saddened today because of the passing of Tommy.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 17 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 99.

Bill read third time.

Remarks by Assemblymen Kerns and Price.

Roll call on Assembly Bill No. 99:

YEAS—42.

NAYS—None.

Assembly Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 23 of the 65th Session.

Resolution read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Joint Resolution No. 23 of the 65th Session:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 23 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Rhonda Hagar, Rod Halecky, Mr. Morrison and students from New Life Christian School: Carl Burkhamer, Nicholaus Halecky, Tony Monroe, Christelle Morrison, Timmy Nydell, Shandra Rivera, Jaime Wagner, Malia Wasson, Kim Wood, Charity Bakman, Lianna Glodt, Hilary Hagar and Grayson Pranin.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Barry S. Frank.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert Myles.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carolyn Nelson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Paul Krol.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janine Hansen.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tim Underwood.

Assemblyman Porter moved that the Assembly adjourn until Friday, February 1, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE TWELFTH DAY

CARSON CITY (Friday), February 1, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray. O, Father God, we thank You for caring and providing for us. You have provided healing for our bodies for the psalmist, David, said, "Who forgives all our sins and heals all our diseases." We accept that healing touch from You just now as we stand here in Your presence. Thank You for it in the name of Jesus. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 64, 65, 66, 67, 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 55, 216, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 31, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 49, 109.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 15.

Assemblyman Callister moved the adoption of the resolution.

Remarks by Assemblyman Callister.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 283—An Act relating to the supreme court law library; creating a board of law library trustees comprised of the justices of the supreme court; establishing their salaries as members of the board; making these changes effective only upon approval of a constitutional amendment concerning the composition of the state board of pardons commissioners; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 284—An Act relating to local governments; directing the governing bodies of counties and cities to require the owner of each commercial building to post the street address on the building; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Norton, Bennett, Petrak, Wendell Williams, Bache, Gibbons, Anderson, Freeman, Garner, Haller, Giunchigliani, Arberry, Johnson, Sader, Spitler and Myrna Williams:

Assembly Bill No. 285—An Act relating to state finances; removing the limitation on the amount of money available for certain programs of the welfare division of the department of human resources; making a supplemental appropriation to the welfare division for these programs; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 49.

Assemblyman Evans moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 109.

Assemblyman Evans moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 53.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Sader, Callister, Wendell Williams, Bayley, Dini and Marvel as a Select Committee on Corrections, with Assemblyman Sader to serve as Chairman and Assemblyman Callister to serve as Vice Chairman.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Joint Resolution No. 28 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Dini, Freeman, Porter, Kerns, Myrna Williams and McGaughey:

Assembly Bill No. 286—An Act relating to venture capital; creating the fund for venture capital; requiring, under certain circumstances, the director of the department of commerce to develop a plan for a program for the use of public and private money as capital for investment in new enterprises; requiring the director of the department of commerce to administer the fund and submit a report for presentation at the next session of the legislature; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Humke requested that Assemblyman Spriggs' remarks be entered in the Journal.

Thank you, Mr. Speaker. I'll take just a few minutes. I was just looking over the paper that was left on my desk this morning and on the front page it says that Hawthorne has an ammo dump. I think that is rather insulting. We have a production facility and a storage facility and I'm not quite sure that they ought to be telling the whole world about that right now. I'm not sure that is the wisest thing to do, but be assured that we don't have a dump.

Assemblyman Evans moved that the Assembly adjourn until Monday, February 4, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:24 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTEENTH DAY

CARSON CITY (Monday), February 4, 1991

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Douglas Linderman.

Father, we come to You today knowing You have established every governing authority among men. That is a sobering thought for us and makes us realize that we are answerable to You for the decisions we make here today. We are humbled to realize we are just Your servants.

You have said that those who have been given a trust must prove faithful. Lord, make us faithful to You with the task You have entrusted us with.

You have told us that if we lack wisdom, we should ask You for it, for You give generously to all without finding fault and You would give it to us. Lord, we desperately need wisdom. You have also told us that the wisdom of this world is foolishness in Your sight. So, we ask for Your wisdom, because we know that our wisdom falls short.

We thank You for this day and pray that our decisions would promote Your truth and the furtherance of Your Kingdom here on earth as it is in Heaven.

In the name of Your Son, Jesus. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 1, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 11 of the 65th Session, 12 of the 65th Session, 13 of the 65th Session, 14 of the 65th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 4, 5, 6, 7.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11 of the 65th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 12 of the 65th Session:

Assemblyman Porter moved that the resolution be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Joint Resolution No. 13 of the 65th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 14 of the 65th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Concurrent Resolution No. 4:

Assemblyman Porter moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Concurrent Resolution No. 5:

Assemblyman Porter moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Concurrent Resolution No. 6:

Assemblyman Porter moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Concurrent Resolution No. 7:

Assemblyman Porter moved that the resolution be referred to the Committee on Commerce.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 287—An Act relating to arrests; authorizing the arrest of a person during the night for a misdemeanor under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 288—An Act relating to securities; eliminating the exemption from registration provided for certain securities; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 289—An Act relating to child support; requiring the Nevada gaming commission to provide for the disclosure of certain information to the welfare division of the department of human resources to assist in the location of deserting responsible parents; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen McGaughey, Dini, Stout, Callister, Bennett, Haller, Gibbons, Johnson, Krenzer, Bayley, Little, Humke, Wendell Williams, Wong, Goetting, Bergevin, Porter, Bache, Elliott, Sader, McGinness, Lambert, Anderson, Pettyjohn, Garner, Norton, Myrna Williams and Gregory:

Assembly Bill No. 290—An Act relating to the legislature; creating the Carson City capitol complex subcommittee of the legislative commission; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen McGaughey, Stout, Callister, Bennett, Haller, Bayley, Wendell Williams, Kerns, Wong, Krenzer, Goetting, Bergevin, Humke, Porter, Bache, Elliott, Little, McGinness, Lambert, Anderson, Pettyjohn, Garner, Norton and Gregory:

Assembly Bill No. 291—An Act relating to false personation; requiring the proprietor of an establishment where alcoholic beverages are sold, and his employees and agents, to detain a minor suspected of falsely representing his age in order to obtain intoxicating liquor; increasing certain penalties related to the procurement and use of false identification; requiring the department of motor vehicles and public safety to detain a person suspected of fraudulently obtaining a driver's license or identification card; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1.

Amend section 1, page 1, by deleting lines 16 through 18 and inserting: "(b) Travel expenses.".

Amend section 1, page 1, line 23, by deleting the comma.

Amend section 1, page 2, by deleting lines 3 through 5 and inserting: "for individual travel within the state which relates to legislative business; and".

Amend section 1, page 2, by deleting lines 9 through 11 and inserting: "individual travel within the state which relates to legislative business.".

Amend section 1, page 3, between lines 18 and 19, by inserting:

"[9.] *11.* A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the senator or assemblyman submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

[10.] *12.* Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more legislators travel in the same private conveyance, the legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended. Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 55.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 4.

Amend section 1, page 1, line 19, by deleting "*Possesses,*" and inserting: "*Possesses while he is incarcerated,*".

Amend section 1, page 1, line 24, after "*made*" by inserting "*while he is incarcerated,*".

Amend section 1, page 2, line 1, after "*made*" by inserting "*while he is incarcerated,*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 64 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 3.

Amend section 1, page 1, line 9, after "*construction*" by inserting: "*, operation or maintenance*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 2.

Amend sec. 3, page 2, line 24, by deleting "*$10,000.*" and inserting "*$5,000.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

Assemblyman Sader moved that Assembly Bill No. 67 be taken from the Second Reading File and re-referred to the Committee on Judiciary.

Remarks by Assemblyman Sader.

Motion carried.

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 13.

Amend section 1, page 1, by deleting lines 5 through 17 and inserting:

"*(a) Appears by the reports required by NRS 211.150, to have been obedient, orderly and faithful, the sheriff of the county or the chief of police of the municipality in which the prisoner is incarcerated may deduct not more than 5 days from the term of imprisonment of the prisoner.*".

Amend section 1, page 2, line 22, by deleting "*including*" and inserting "*including, unless the court otherwise orders at his sentencing hearing,*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 216.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 217.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 28 of the 65th Session.

Resolution read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 9.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 9:

YEAS—42.

NAYS—None.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 53:

YEAS—42.

NAYS—None.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 17.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Peter Wallstrum, Chuck Tonzi II, Robert Bowman, Theran Atencio, Brian Boner, Jason Chamberlain, James Christensen, Mathew Christiansen, Chad Day, David Debar, David Deming, Rory Diamond, Vance Esplin, Paul Fechko, Michael Ferris, John Ford, Robert Hendericks, Ryan Hensley, Carson Hopkins, Chad

Laughter, Selwyn Layton, Chris Lowman, Peter Manninen, Nate Marsh, James Mayo, Scott McHenry, Quentin Pease, Paul Pia, Eric Scheetz, Jr., Myles Sciotto, Ryan Spences, Garrett Taylor, Tom Thomson, Chuck Tony, Ronald Vandemark, Mathew Wagner, Kelley Wilkin and Jason Yates and Boy Scout Leaders Bill Sweetwood, Janet Needham, Jim Hodos, Ron Bowman, Steven Ogg and Gary Downs.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Jeff Laughter, Chad Titus, Matt Keith and Boy Scout Leader Larry Lathrop.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Trent Edwards and David Hiles.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout James Lathrop.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Nick Linderberg and Mr. Doug Lemon.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Carl Howell.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Mark Hiles.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Kurt Manninen and Kevin Wills.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Steven Lowrimore and Robby Parish.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Daniel Baldwin.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Don Denton and Jeff Colon.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Robert Thompson.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Eric Bowman.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Mark Odos and Brendan McNulty.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Justin Shufelt.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Ian Whiteker.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Craig Daily.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Phil Baumgart.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Jason Cooper.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Brian Downs.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Casey Sorensen, Jim Bryant and Chuck Tonzi.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Mathew Thiel, III and Daron Lind.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Buckley.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Peter Bensen.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Casey Fitzgerald.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Mathew Roberts and Nicholas Scartezina.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts John Tomson and Brett McGinness.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Glen Haynie and Stephen Gustafson.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Zack Glass.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Benj Lathrop.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout J. R. Lage.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Brad York, Scott Davis, Nathan Huntsman and Mrs. Lucille May.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scouts Mason Needham, Bobby Woods and Jason Lang.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Andy Hill.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Chuck Anderson.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Joshua Sweetwood.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Brett Faike.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Josh Glass.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Rick Mendez.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Kristopher Heath.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, February 5, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 5, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Art O'Rear.

Almighty God, our Heavenly Father, we ask Your blessings to be upon this body of legislators as they gather together to enact laws for the good of all the citizens of this state. We pray, also Father, for the men and women of our Armed Forces who are making great sacrifices in an attempt to bring peace to the world. Comfort those, we pray, who are grieving over the loss of loved ones in this conflict. Father, give us the strength and courage to face the many problems that lie ahead. Humbly we ask these blessings and favors through Him who made the supreme sacrifice. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 81, 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 80 be taken from the Second Reading File and re-referred to the Committee on Natural Resources, Agriculture and Mining.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Freeman moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 282 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Freeman.

Motion carried unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 107, 110, 131.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 292—An Act making an appropriation to the department of education for distribution to public broadcasting stations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 293—An Act relating to juvenile sex offenders; creating in the department of human resources the position of coordinator of programs for the evaluation, treatment and rehabilitation of juvenile sex offenders; creating the advisory board on the evaluation, treatment and rehabilitation of juvenile sex offenders; making an appropriation to the department to establish and carry out programs for the evaluation, treatment and rehabilitation of juvenile sex offenders; making appropriations relating to the training of certain persons in the evaluation, treatment and rehabilitation of juvenile sex offenders; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McGaughey, Myrna Williams, Spitler, Norton, Gibbons, Haller, Kerns, Petrak, Bennett, Elliott, Gregory, Freeman, Anderson, Little, Garner, Krenzer, Wong, Price, Arberry, Stout, Pettyjohn, Heller, Evans and Lambert:

Assembly Bill No. 294—An Act relating to tow cars; requiring the owner or operator of a tow car to pay the costs of cleaning the roadway after a disabled vehicle has been removed; providing certain administrative penalties for his failure to pay those costs; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 295—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to increase the rate of the taxes imposed by the Act; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 296—An Act relating to taxation; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to impose taxes on the sale or use of certain services; establishing the rates of those taxes and providing for their collection; providing exemptions from the taxes; providing penalties; contingently imposing certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 107.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 110.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 131.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 17.

Amend section 1, page 2, line 35, by deleting "*carry weapons*" and inserting: "*enforce court orders on juvenile offenders*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 297—An Act relating to state financial administration; requiring the state to issue money; providing that such money is legal tender for all debts in this state; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 298—An Act relating to wages; revising the conditions of and exemptions from the requirement that employers pay extra compensation for overtime; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:21 a.m.

## ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Assembly Bill No. 55:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Assembly Bill No. 216:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblymen Sader, Callister and Scherer.

Roll call on Assembly Bill No. 217:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 2 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 28 of the 65th Session.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 28 of the 65th Session:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Joint Resolution No. 28 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 282:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Freeman moved that all rules be suspended and that Assembly Bill No. 282 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 2:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Sader moved that all rules be suspended and that Assembly Bill No. 2 be immediately transmitted to the Senate.

Motion carried unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 5.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:03 p.m.

## ASSEMBLY IN SESSION

At 12:09 p.m.

Mr. Speaker presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Hardy, Myrna Williams, Price, Porter, Wendell Williams, McGinness, Stout, Haller, Bache, Callister, McGaughey, Dini, Garner, Bayley, Scherer, Spitler, Humke, Gregory, Johnson, Petrak, Goetting and Heller:

Assembly Bill No. 299—An Act relating to health facilities; repealing the provisions requiring the approval of the director of the department of human resources for certain projects of health facilities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Myrna Williams, Scherer, Price, McGaughey, Spriggs, Haller, Krenzer, Norton, Bennett, Gregory, Spitler and Humke:

Assembly Bill No. 300—An Act relating to pupils; requiring the board of trustees of each school district to adopt rules prescribing the apparel that may be worn by pupils in that district; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Education.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblymen Petrak, Haller, Price, Pettyjohn, Wendell Williams, Anderson and Elliott.

Assemblyman Callister requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. Regarding my fellow colleagues here in the Assembly, regarding my background, I had two sons in Vietnam. My number one son was a combat helicopter pilot. There were many nights in the time the two of them were away that we worried, we didn't sleep. That's kind of rough, that's kind of rough.

Talk about myself, I was in World War II for 54 months and I know what that is all about. When I was a little kid going to school, if anybody dropped that flag on the ground, that was a sin and you shouldn't do that. At night, when it got dark, anybody left their flag out over night, that was also a sin and they shouldn't do that.

When I think about the kids overseas right now, I think about the husband of Mrs. Gibbons, think about some friends back home that have young ones over there and it bothers me. I think the American flag is the symbol that should be held high. I have a deep regard for what it means to you, to me and to the people here and I think this Joint Resolution should go to those folks in Washington for them to maybe do something about helping this situation of holding the flag high and not allowing it to be desecrated. I urge all my colleagues to go along with us and to send that Resolution on to Washington. Thank you, Mr. Speaker.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in support of S.J.R. 5. I, too, am a World War II veteran and am a lifetime member of the VFW. Incidentally, in the last weekend, I went back to my district and I think about every other house on my street was flying a flag. I have a great reverence for the flag and sometimes doubt some of the actions of some people involved. But don't burn my flag.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, I should be able to accomplish in the next two minutes what one of our rather large industries and some of my friends were not able to do in the last election and that is to speak against something that is extremely popular. This past Saturday, I had the privilege and pleasure of acting as a judge for the Bicentennial Commission of students from across this state and their knowledge of the Constitution of the United States. This was the final in the competition with the winning team being able to go to Washington, D. C. to compete in the national competition. The winning team was Reed High School where our colleague works. The people who came in second were from Clark and third from the little town of Ely. I spent the day observing the debate, the knowledge and the enthusiasm that these young people had for democracy and for the Constitution of the United States. I marveled as did everyone who was there. They were enthusiastic, they have principles and fortunately they are not burdened with worrying about their next reelection as many of us are. This year, right now, we are celebrating the Bill of Rights contained in this Constitution. Two years ago we were

celebrating the Constitution itself and this year we are celebrating the Bill of Rights. If I may remind us of those: The first amendment guaranteed our freedom of speech which we have been told by one sitting on the Supreme Court includes the right, however stupid or jerky it may be, to burn our flag. The second one is the right to bear arms. The third that we will have no soldier quartered in our homes during peace time without the owner's permission. The fourth guarantees probable cause before you are indicted and the fifth protects you from double jeopardy. The sixth guarantees you the right of an impartial jury and the seventh a trial by jury. The eighth which was debated among our founding fathers as to whether the Bill of Rights should be in the Constitution as a part of it or out of it because some people felt that if the rights were lifted then that would be the only rights you had so they came with the eighth amendment which guaranteed that you have rights even if they are not enumerated in the Constitution. And the tenth is the state's rights that we argue back and forth today. This is just the Constitution. It is not going to make or break our state. May break an election or two. I don't know. But I can remember in 1979, I voted for a resolution on this floor calling for a constitutional convention because I thought that part of it was not as important as projecting the image of trying to get Congress to balance the budget.

Some ten years or so later, I came back and with the help the of members of this body who have returned after a few years of understanding and seeing the developments and the potential harm that a constitutional convention could do, we eventually took action to rescind and show that we did not call for a constitutional convention. During that period of time through resolutions not quite the same as this resolution but through resolutions from the bodies of legislators across these United States, we came within two states of having a constitutional convention. Most people, thoughtful people have concerns about that, but that was the resolution that I voted on and I came to be concerned about in later years. What we're talking about in my opinion at least is symbolism. We are riding the wave and it makes us all feel so wonderful, myself included, a wave of compassion and Americanism and support for our troops, our loved ones. Some of us it has already touched personally. My own wife may be there within days or weeks and we love them and support them. But in our fever to support and show our support, we still have a duty. We took an oath a few days ago to support the resolution, to support the Constitution of the United States along with our own constitution. As an individual, without a moment even in my fat, unconditioned self be glad to fight or take on anyone who wanted to burn our flag. But as a body, as a legislator, as people who have been trusted to protect that constitution, to protect our own constitution and our own interest, we as a body, in my humble opinion and even when it hurts, needs to rise above the emotions of us as humans and act as the steadying body of the ship of state.

Symbolism often means everything. It was only last year that we saw that young man standing in front of a tank in China trying to bring about freedom to have the same rights that we have—the right to disagree, the right to protest and all those other rights. I would dare say that if someone were to burn an Iraqi flag today, he may not live long enough to have a trial. I do not want our country to become that.

I understand, I think, the objectives of our friends and the loved ones with VFW in trying to get this message to Congress but I respectfully disagree with my former colleague. There are some things you have to call them the way you see them and while I certainly don't expect you to agree with me, I understand what is going on. I have hoped that I can instill some thoughts today. Even though I did not rise, I even object to the procedure that we took by not having actual hearings. At any rate, I would urge you to give deep consideration to this. It is not going to be the end of the world one way or the other, I understand that. But we are here to be a buffer of emotion as opposed to acting in the best interest of our country and of our state.

ASSEMBLYMAN PETTYJOHN:

I rise to speak in favor of S.J.R. 5 and to express my feelings and my thoughts concerning not only the thoughts expressed by Mr. Price but those of what I think represent the popular view of the people of these United States. I think that Mr. Price

indicates to us that by passing this resolution we are in fact doing something which infringes upon the freedom of speech which is guaranteed to us by the Constitution. In fact, I believe, it is a fulfillment of that very proposition.

When we pass that resolution here we pass on to the U.S. Congress to take this issue to the people of the United States. And that is all this resolution will do will enjoin Congress to go down the course of putting it to the people via the constitutional amendment. I believe that we will recall that the actions which transpired in the past were that the Congress of the United States did in fact pass a law which made flag burning prohibited. That was struck down, I am not sure about the voting, but let's assume for a moment it was a narrow margin even to a great margin struck down by five people, maybe six people. Now we are going to run the test to find where the American people stand on this issue. There have been polls conducted that show 95 percent of the American people oppose flag burning. They disagree with the justice of the Supreme Court that that is an expression of free speech. So now let's let the people speak on this issue. Let's find out what the people think. Give them their agency, their right of free speech and not let those three, four or five single individuals decide an issue such as this which has such great impact upon us. The moral fiber of the nation is at risk here. I testified on behalf of this amendment in the Senate yesterday and I will repeat something I said there. With the advent of the world media as it is at this time when one event in one part of the world can be seen around the world in seconds, when the people of the world judge this country upon the conduct of its citizens, they scoff at us, they laugh at us, they deride us for lack of unity, lack of appreciation, admittedly it is a piece of cloth. Admittedly it is worthless probably as a commercial product except for those who make and sell them. But those things for which it stands are not that simple. They are not that insignificant. They are in fact the thing that made this country great—those ideals for which it stands. That's what is being trampled. It is not simply just the act of burning a piece of cloth. It is that wanton disrespect for the things for which this country stands. And now for us to take this action is appropriate. For this State of Nevada to be on the forefront to go to the U.S. Congress and go to the other states in the nation and say we are ready for the people to speak on this issue and let them decide whether or not burning of the American flag is in fact an expression of free speech or whether it is something beyond that. Thank you, Mr. Speaker.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. As we stand in support of our nation and the principles that this flag so greatly deserves, we as policymakers must never forget in this regard those who express an opposite view. This resolution is not necessarily unAmerican. Some are simply disenchanted because the American principles that are described by the posting of our flag and constitution are not available to everyone. I think one of the most important wordings in this piece of legislation is in lines 9 through 12 where it says "Whereas, The American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal." As we stand in support of this resolution, let's pass this resolution with the commitment to strengthening our strengths, but more importantly to curing our ills and to renew a commitment to curing our faults.

Mr. Speaker, to you and through you to my colleagues, our flag will be respected only as much as we respect each other. We must not only pledge allegiance to the flag but we must pledge allegiance to a commitment which will mean the same thing in times of peace as it does in war. As we vote in favor of this resolution and as I vote in favor of this resolution I do so with a refillment of hope that those who are locked out of the American process and who are locked out of American ideals be considered. The strength of our flag does not lie in a piece of cloth that is made in Taiwan and who sits in sinking sand. The strength of the flag really is reflected in the people and the way they are treated. Regardless of how you stand on this issue, and I support it, to totally disregard the people who oppose this because they are treated unfairly they should not be disrespected or looked at as those who are less than American. If this country really wants to be what it claims to be in the writing of this constitution in the displaying of this flag and we all

become sentimental when our troops are in war. But we must realize that when those troops return home, they will be faced with the same flag that they fight under when they are at war. So let's pass this resolution with the reminder that all Americans are not just Americans under this flag. Let's do so with the hope of improving our nation and our state.

ASSEMBLYMAN ANDERSON:

To you, Mr. Speaker, and to this Honorable Body. It would be very easy to sit quietly back and avoid this issue but I, too, am forced to stand. Mr. Price's words strike a very real note. The moral fiber of this nation is not indeed carried in any one single symbol but is everlasting and will always be there. It is in our young people today and it is in our old people. It is a continuing line. Two hundred years ago, John Jay, Alexander Hamilton and James Madison argued for the passing of a constitution and in that argument, the so called Federalist papers, they made a firm commitment to the idea that the will of the majority would never trample upon the rights of the minority. In what desperation would an American have to reach to burn this symbol of illumination. Is that not a desperate act to try to draw our attention. Two hundred years ago, the writers of the constitution believed the Bill of Rights was not necessary because those rights were protected clearly in the states. They were not. They are not. I, too, support this amendment but I wish to register the clear sign that we must at all times protect that inalienable right of freedom of speech. Thank you.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I rise in favor of S.J.R. 5 but I would also like to add to this that I deeply respect my colleague, Mr. Price's position and would hope that everyone else in this Assembly would do the same.

Roll call on Senate Joint Resolution No. 5:

YEAS—40.
NAYS—Price.
Absent—Marvel.

Senate Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Margaret McMillan.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Conor Buckley.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Miss Jo Sorrell.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, February 6, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 12:36 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 6, 1991

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tom Hutson.

Father, we seek the wisdom of Your counsel, the peace of Your presence. Guide each one as deliberations are carried on and as decisions are made. Intervene in the affairs of our world, that peace and justice may prevail. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 63, 65.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 199.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 301—An Act relating to public offenses; extending the provisions for determining the sanity of a defendant to misdemeanors; providing for confinement at home or in a mental institution as an alternative

to jail or prison; making other procedural changes; limiting the criteria for certain offenses involving controlled substances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 302—An Act relating to public utilities; providing a limitation on the charges made by public utilities for water used in mobile home parks in certain counties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 63.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 65.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 199.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

## ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 303—An Act relating to taxation; imposing a general business tax; providing penalties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 81.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 65:

YEAS—42.

NAYS—None.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 66:

YEAS—42.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 304—An Act relating to municipal courts; limiting the right of appeal from the judgment of the court in a criminal case; establishing the procedure for the disposition of certain appeals to the district court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Select Committee on Corrections:

Assembly Bill No. 305—An Act relating to criminal offenders; requiring the establishment of a program to treat certain persons convicted of driving under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

By Assemblymen Wendell Williams, Porter, Arberry and Johnson:

Assembly Bill No. 306—An Act relating to peace officers; authorizing the governing body of a local government to establish a review board to advise the body on issues concerning peace officers; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 11:27 a.m.

## ASSEMBLY IN SESSION

At 11:36 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 199 declared an emergency measure under the Constitution and placed on third reading and final passage.

The motion, having received a two-thirds majority, Mr. Speaker declared it carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblymen Sader, Price, Johnson, Myrna Williams and Anderson.

Roll call on Senate Bill No. 199:

YEAS—42.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly adjourn until Thursday, February 7, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 7, 1991

Assembly called to order at 11:10 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tom Hutson.

Almighty God, we invoke Your blessing upon the work of this body this day. Grant us wisdom, grant us courage for the facing of this hour. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 79, 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 106, 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 79 be placed on the Second Reading File.

Motion carried.

Assemblyman Bergevin moved that Assembly Bill No. 81 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bergevin.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 210 be placed on the Second Reading File.

Remarks by Assemblyman Carpenter.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 112.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 307—An Act relating to the public employees' retirement system; providing an exception for justices of the supreme court who become members of the system from certain requirements concerning the payment of an employee's portion of required contributions; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 308—An Act relating to counties; allowing the periodic adjustment of the boundaries of county commissioner election districts; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 309—An Act relating to local financial administration; requiring a local government to place contributions made to provide group life, accident and health benefits on a self-insured basis in an internal service fund; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 310—An Act relating to the subdivision of land; requiring a subdivider to convey or dedicate adequate water rights for the subdivision and the county school district in which the subdivision is located; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 311—An Act relating to the department of commerce; authorizing the director of the department to establish and collect fees in connection with certain programs administered by him; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 312—An Act relating to the Elko Convention and Visitors Authority; revising the provisions governing the membership of the governing body; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 313—An Act relating to jails; authorizing the release of prisoners from county or city jails under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 314—An Act relating to prisoners; providing for electronic supervision outside a jail; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 315—An Act relating to prisoners; authorizing the imposition of an administrative fee upon those serving intermittent sentences; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 316—An Act relating to drivers' licenses; requiring the assessment of demerit points against a driver who violates a written promise to appear; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 317—An Act relating to prisoners; providing additional detail for their release for work; providing for their release for

education; authorizing a separate facility for the confinement of such prisoners while not so engaged; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 318—An Act relating to prisoners; authorizing the voluntary exchange of labor upon public works for physical confinement; providing for limitations and conditions of the exchange; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 112.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

## SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

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

"Section 1. Chapter 253 of NRS is hereby amended by adding thereto a new section to read as follows:

*A public administrator, with regard to the personal property of the estate of a ward or a decedent, may donate property that has a value of less than $250 to a nonprofit organization, or destroy property that has a value of less than $100, if:*

*1. The property, if that of a ward, is not necessary for the care or comfort of the ward; and*

*2. A notice of intent to donate or destroy the property is:*

*(a) Mailed by certified mail to the ward's or decedent's next of kin at his last known home address; or*

*(b) Personally delivered to him,*

*and that person fails to claim the property within 15 days.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time, ordered engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 34.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 32.

Amend section 1, page 1, line 11, by deleting "require, and" and inserting "require . [, and".

Amend section 1, page 1, line 17, by deleting "tag." and inserting: "tag.] *The board of wildlife commissioners shall establish the time limits and acceptable methods for submitting such applications to the department.*".

Amend the title of the bill, second line, after "tag;" by inserting: "revising the method of application for such tags;".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Assembly Bill No. 93:

YEAS—42.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 10.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Dini, Haller, Garner, Bennett, Krenzer, Wendell Williams, Porter, Johnson, Lambert, Anderson, Sader, Evans, Carpenter, Kerns, Gibbons and Humke:

Assembly Bill No. 319—An Act relating to elections; requiring county clerks in certain larger counties to obtain and use data compiled by the United States Postal Service to correct voters' addresses on voter registration lists; requiring the secretary of state to adopt regulations concerning the use of such data; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 5.

## REMARKS FROM THE FLOOR

Assemblyman Bergevin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I would like to address an article in the local newspaper that you have probably all seen today. The headline on the second section reads "Local lawmakers dubbed 'young neo-fascists'." As a member of this institution, I am outraged that any of my colleagues would be referred to in the manner the newspaper article portrays. To compare any legislator to Aryan prison gangs and to Adolph Hitler, I think is reprehensible by anyone in this house, even in this body. I would like to read you part of that article. In the first paragraph, it says, "The unnamed legislators are referring to them as the 'Aryan Brotherhood' and 'young neo-fascists' behind their backs." Then it goes into, in the third column, "the Aryan Brotherhood is the name taken by white thugs who attempted to overpower rival gangs and the administration at the Nevada State Prison in the early 80s. Adolph Hitler also referred to fascist, white Germans as the superior Aryan race." I would like to ask you, should any member of this house be put in the same category, I think not. We form friendships when we come up here. I know I did in 1985 when there were about 14 new members, and we formed working relationships. We are all new so we tend to cling together. I think in past sessions that all of us here have done that.

In 1987 and 1989 it was done by the freshmen, and there has been nothing done differently this session than before. We have four young men on the Judiciary Committee. They serve on the committee together. They happen to find a common goal they'd like to pursue in some legislation. They're working on it. It has to do with prison reform. I think they would like to have a tighter system than some of us other people would like and is perfectly within their right. Philosophically, we've always respected each other. There's liberals, there's conservatives, there's moderates, you name it, there's someone in this body that fills that role. I think their sincerity and loyalty to this institution at this point in their career is without question. I would ask all of you that in the future, let's refrain from these kind of things. It is one thing to call somebody a lump head, but it is quite another thing to call someone by the names referred to in this article. I'd like to propose that from this day forward we work in harmony and peace in this body and let's keep those kind of comments to yourself if you think them. I sure would ask and I hope the Speaker will agree with me that we need peace and harmony in this session, we need to respect each other as individuals, respect each other as elected members of this house. Their constituents sent them here, it was their choice and however, they do their job, they will have to answer to that constituency. If they do not follow the constituencies' profile or philosophy in legislation, I think they probably won't return. But this article disturbs me. I would hope that any member in this house would agree with me that this kind of accusation or name calling is out of place. Thank you.

ASSEMBLYMAN SADER:

As the Chairman in Judiciary, this article indicates that this problem seems to have arisen from my committee and I just want to make it clear here the vote on which these people aligned was one on which I also aligned with them. So if there's some kind of group being formed here whether it's called by the name stated in the paper or it's the "Fab Four," I want to be a member and you guys ought to tell me how I get to join the membership because I belong.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I wanted to say that I concur with Mr. McGaughey's assessment and I would also like to add that I know these men and nothing could be further from the truth and I, too, voted for the bill that they are supposedly indicted. Thank you.

ASSEMBLYMAN ANDERSON:

Mr. Speaker, I want to associate myself with Mr. McGaughey's remarks. I am also a member of the Judiciary and while voting against the Committee Chair on the other side, I have had the opportunity of listening to the four gentlemen for some time now and have been closely involved in the piece of legislation they are proposing. I guess I fit the weight category if nothing else, maybe not the age category of which they are being alluded to. If I can be associated with people of that category and caliber, I find myself in good company.

ASSEMBLYMAN NORTON:

Thank you, Mr. Speaker, I just wanted to point out to Mr. Anderson that Mr. Sader's remarks were the "Fab Four" not the "Flab Four."

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I'm one of those good guys from the Sader Judiciary Committee. I happened to be placed in the row between three of these four gentlemen mentioned and I have heard nothing but the fact that they remind me of my kids back home. I learn from them professionally what the idea of law and judiciary means. I appreciate being associated with them, Mr. Sader and our Judiciary Committee.

ASSEMBLYMAN PRICE:

I would like to add two cents. Three of the four gentlemen I have only met in recent years. Mr. Hardy was my neighbor for all of his young years growing up and the worst thing I can ever remember us calling him is that pesky kid up the street. This fine young business man grew up with my son and I know him to be a good and honorable gentleman. We may differ on some philosophies but that is what we're all here about and I hope that this passes by us.

MR. SPEAKER:

Thank you, Mr. Price. I am going to clean up and take the opportunity as long as I have the microphone. I agree with Mr. McGaughey. We're all here together, we ought to start out as friends and we'll end up as friends. We're not going to vote the same on every issue but let's work for the best interest of our state, for the people that we represent. Let's leave it at that and end this subject matter right now.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Hugo Wagner and the Career College of Northern Nevada: Ms. Jean Penseyres, Mr. Steven Nicholls, Ms. Barbara Lanier, Mr. Wayne Turner, Mss. Nancy Allen, Cindy Newmyer and Mr. Jerry Newhall.

Assemblyman Porter moved that the Assembly adjourn until Friday, February 8, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETEENTH DAY

CARSON CITY (Friday), February 8, 1991

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tom Hutson.

We give thanks, Father, for all the opportunities and challenges of this day. We ask for the individual and group strengthening to meet the tasks before us. Make us usable servants of the people of Nevada, and bless those who are serving our country in the Persian Gulf. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 282.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 34, 64.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 62, 69, 166.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 3, 8, 10, 12.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, February 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 2.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Little, Price, Stout, Bergevin, Spriggs, Garner, Kerns, Elliott, Petrak, Bennett, Marvel, Anderson, Hardy, Wong, Lambert, Haller, Krenzer, McGaughey, Arberry, Humke, Gibbons, Carpenter, Norton, Sader, Bayley, Freeman, Spitler, Pettyjohn, Goetting, Dini, Evans, Porter, Wendell Williams, Heller and Bache:

Assembly Concurrent Resolution No. 18—Directing the Legislative Commission to conduct a study of the effects of using methylphenidate hydrochloride for the treatment of hyperactive children.

Assemblyman Little moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 210 be placed on the General File.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:06 a.m.

## ASSEMBLY IN SESSION

At 11:12 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Carpenter.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Concurrent Resolutions Nos. 11, 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 19—Directing the Health Division of the Department of Human Resources to work with local communities to determine potential demonstration sites for health clinics for teenagers.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

Assembly Concurrent Resolution No. 11.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted.

Assembly Concurrent Resolution No. 12.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.
Resolution adopted.

By the Committee on Legislative Functions and Elections:

Assembly Resolution No. 4—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Melvin Cowperthwaite is elected as an additional attaché of the Assembly for the 66th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.
Remarks by Assemblyman Myrna Williams.
Resolution adopted.

Senate Concurrent Resolution No. 3:

Assemblyman Porter moved that the resolution be referred to the Committee on Transportation.
Motion carried.

Senate Concurrent Resolution No. 8:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.
Motion carried.

Senate Concurrent Resolution No. 10:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.
Motion carried.

Senate Concurrent Resolution No. 12:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.
Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Giunchigliani, Bache, Arberry, Spitler, Anderson, Evans, Norton, Dini, Bennett, Kerns, Krenzer, Garner, Haller, Lambert, Goetting, Wong, Price, Sader, Johnson, Gibbons and Carpenter:

Assembly Bill No. 320—An Act relating to solid waste; providing in skeleton form for the recycling, reduction or disposal of certain kinds of solid waste; requiring the proper disposal of used or waste motor vehicle batteries, tires and motor oil; establishing the advisory board for recycling; requiring certain counties and cities to adopt plans and programs for the reduction and recycling of waste; imposing a fee for the disposal of solid waste; requiring purchasers of newsprint to purchase paper containing recycled newsprint under certain circumstances; requiring state procurement of certain recycled paper and other products; revising the penalty for the unlawful dumping of certain garbage; establishing a program for the collection of junk vehicles; requiring the establishment of specific guidelines for

the disposal of hazardous household waste; requiring the office of community services to disseminate certain information; providing penalties; making appropriations; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen McGaughey, Porter, Arberry, Carpenter, Sader, Dini, Evans, Humke, McGinness, Giunchigliani, Callister, Price, Myrna Williams, Wong, Johnson, Freeman, Hardy, Haller and Bayley:

Assembly Bill No. 321—An Act relating to public utilities; authorizing the public service commission of Nevada to order a certain public utility to pay the costs of certain parties intervening in a proceeding before the commission; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 322—An Act relating to controlled substances; authorizing probation coupled with treatment of addiction for first offenders under certain circumstances, without awaiting trial; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 323—An Act relating to estates of deceased persons; restricting the reopening of an estate based upon the discovery of a will or a later-dated will; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 324—An Act relating to public health; prohibiting the smoking of tobacco in a school bus if a person under 19 years of age is being transported in the bus; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 325—An Act relating to county recorders; allowing certain local governments to pay fees for services of county recorders on a monthly basis; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 326—An Act relating to adolescent health; creating the position of adolescent health coordinator in the department of human resources; prescribing the qualifications for and duties of the position; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 327—An Act relating to maternal health; establishing the advisory board for maternal and child health; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By Assemblymen Goetting, Bergevin, Freeman, Lambert, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, McGaughey and Myrna Williams:

Assembly Bill No. 328—An Act relating to providers of health care; extending limitation of liability to certain providers of health care; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 34.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 62.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 64.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 69.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 166.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 106.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 113.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 29.

Amend sec. 3, page 2, line 10, by deleting "July 1, 1991." and inserting "January 2, 1992.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Petrak.

Mr. Speaker requested that Assemblyman Petrak's remarks be entered in the Journal.

Thank you, Mr. Speaker, fellow Assemblymen. This joint resolution is rather important because this seems to be the year of the Notch Babies. In 1977, Congress was notified by the Social Security Administration that there wasn't any money in the Social Security Fund. So what Congress did was a very severe measure. They said, "okay starting with the people born in 1917 through 1921, we're going to say that these folks when they reach age 62 and they are still working, their donations to social security along with their employer, instead of going into their benefits for retirement would go entirely into the trust fund." This happens to people born in 1917 through 1921. A person working at age 62 and working toward retirement at 65, when he retires will receive—say a person born in 1918, and I'm a Notch Baby and I was born in 1918, the same person born in 1916 earning the same identical money that I did can take into social security the same identical money that I did along with my employer, that person born in 1916 would receive around 15 percent more in his social security when he reaches age 65. This applies to all of them, first born in 1921 paying into social security versus the person born in 1916 would receive 22 percent less in his social security than a person in 1916.

Another thing that happens is that when the person retires at 65, the Notch Baby, say for instance he retired in June, gets his first social security check in July. First born in 1916, earning the same amount, retiring at 65, the same time, he will get a lump sum payment of the first six months of that particular year that he retires, then he will receive his normal payment. Suppose at 65, a person, a Notch Baby, wants to keep on working because his health is good or because he has to because of income, he will work and pay social security every year that he works along with his employer. A person born in 1916 doing the same thing, working after 65, he will pay the social security just as the person, the Notch Baby, however at the end of the year, no credit will be given to the Notch Baby for that money paid into social security; however, the person born in 1916, the money he paid in will be credited and he will receive an increased income. Now what happens is the fact that here in Nevada in the southern part of the state, in the Las Vegas area, we have 30,000 Notch Babies; statewide we have 50,000. Over the nation we have 8 million Notch

Babies that are more or less second class citizens. What we are trying to do is to encourage Congress and they are coming up with Notch legislation this year. We are trying to encourage Congress to become aware of the fact that this can be cured by just bringing all of those Notch Babies on the parity with those born in 1916. Now as you know, social security is figured in five year increments so that at the end of 1921, they came up with a new formula for those people born in 1922 through 1926. These people born at that particular time, in their formula, will receive more than the first session of Notch Babies but less than those people born in 1916, so we have a figure of 1917 through 1926.

At the present time, the Social Security Trust Fund is estimated that at the end of this fiscal year will be close to a trillion dollars. The only thing that we want to bring us on a parity with those born in 1916 is to come up with a program that will cost $5 million a year and on a five year basis, that is $25 million. We are trying to awaken the conscience of our Congress to do something about the bill that is going to be introduced by Congress and Roybal of California. Incidentally, California has a joint resolution that they already sent to Washington. I've asked a friend of mine in Ohio to do the same. He works in the Ohio legislature. September 17 of this year is going to be National Notch Baby Day. We are going to get involved in this thing and we think with the encouragement of our representatives of 1,200,000 people, that's our legislature, that we represent 1,200,000, we can have some impact on the actions of Congress.

This year, today, for instance, the Notch Babies, 230 of us will die. If we wait long enough, this situation can be taken care of by that. I encourage you very much to consider approving, backing and supporting this particular joint resolution and I thank you very much for your time.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 210:

YEAS—42.

NAYS—None.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing the poem, "The Star Spangled Banner."

Assembly in recess at 11:50 a.m.

## ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 2; Senate Bill No. 199; Assembly Concurrent Resolution No. 15.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Judy Allen, Dr. A. F. Allen, Mr. Paul Allen and Ms. Chelsee Bibb.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. John Scott.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cindy Watty, Cathy Ricidi and Kay Fagan and students from the Kingsbury Middle School: Devin Apocotos, Cassy Boudreau, Patrick Brown, Jonathan Case, Denise Erlanger, Jeff Falk, Bryan Green, Laura Hinde, Rebecca Fore, Chad Kolpacoff, Christina Nelson, Tara Parina, Ryan Parr, Nathan Peterson, Eduardo Rodriguez, Jaci Rolfe, Peter Thornton, Tara Taste, Katina Varzos, Tiffany Ahrens, Andy Anderson, Nicole Barnett, Alicia Benson, Justin Bowers, Alan Case, Bobby Green, Bud Hambsch, Shane York, Angel Hernandez, Dusty LaChapelle, Lori McCalister, Lark McGookin, Brooke Norman, Matt Raab, Matt Rutter, Andria Rucker, Jason Takahasi, Ali Tanner, Jessica Wallace, Amber Weiss, Philip Barnes, Jeff Coulam, Justin Fait, Trian Georgeau, Kenneth Tein, Jana Martin, Monica Maynigo, Alison Nunnally, Maggie Smyth, Bobby Trim, Lauren Wayne, Sara Bentley, Heather Chandler, Kriste Cook, Ben Eide-Hughes, Kasey Ilk, Ryan Marshall, Will McCulloch, Dean Poppenya, Scott Rakbeck, Avery Thornton, Mark Witte and Angie Zgier.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Rajs and Weaver and students from the Fremont School: Donna Barte, Chelsea Bibb, Melissa Estes, Jennifer Fozard, Rachel Halverson, Cierra High, Devon Murdock, Ann Marie Hurt, Kevin Metger, Brian Billow, Travis Burt, Luke Conklin, Michael Dilangi, Corey Kalendbach, Eric Pascual, Rodney Ricks, Aaron Riley, Teague Strekal, Patrick Taylor, Tony Vierra, Amy Baker, Meagan Elliott, Molly Stone, Amber Tate and Cody Huaste.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Angie Wallin and Paula Quagliana.

Assemblyman Porter moved that the Assembly adjourn until Monday, February 25, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE THIRTY-SIXTH DAY

CARSON CITY (Monday), February 25, 1991

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken De Lyser.

Gracious God, we acknowledge this day the words of Your Holy Scripture which say, "O, give thanks unto the Lord for He is good, for His loving kindness is everlasting." Lord, we indeed thank You for Your abundant blessings and ask that You would continue to bless this Assembly as they seek to govern the affairs before them this day. In Thy Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 34, 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 33, 56, 289, 304; Senate Joint Resolutions Nos. 11 of the 65th Session, 13 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 45, 50, 51, 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 107, 110, 111, 120, 144, 150, 155, 160, 163, 176, 199, 225, 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 100, 101.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bills Nos. 34 and 36 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 23:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 329—An Act relating to accounts held in joint tenancy; creating a rebuttable presumption that money placed in joint tenancy by a person shortly before his death passes in accordance with the terms of his will; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 330—An Act relating to securities; making various changes to the Uniform Securities Act; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 331—An Act making an appropriation to the fund for local cultural activities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Wendell Williams and Humke:

Assembly Bill No. 332—An Act relating to parentage; declaring surrogacy agreements void and unenforceable as against public policy; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 100.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 101.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## SECOND READING AND AMENDMENT

Assembly Bill No. 277.

Bill read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 70:

YEAS—42.

NAYS—None.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 79:

YEAS—42.

NAYS—None.

Assembly Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Assembly Bill No. 106:

YEAS—42.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Assembly Bill No. 113:

YEAS—42.

NAYS—None.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Garner, Bennett, Petrak, Krenzer, Gibbons, Wong, Johnson, Bergevin, Sader, Gregory, Freeman, Lambert, Bache, Anderson, Hardy, Bayley, Haller, McGinness, Spriggs, Norton, Myrna Williams, Porter, Wendell Williams, Little, Elliott, Stout, Marvel, Giunchigliani, Carpenter, McGaughey, Humke, Spitler, Scherer, Pettyjohn, Callister, Arberry, Price, Evans, Kerns, Heller and Goetting:

Assembly Concurrent Resolution No. 20—Commending Scott M. Ruedy for his service to the Nevada Assembly and to his country.

WHEREAS, Native Nevadan Scott M. Ruedy was born on March 24, 1969, and graduated from Douglas County High School in 1987; and

WHEREAS, Scott Ruedy recently served 3 years with the United States Army and during that time was stationed in West Germany and Fort Ord, California; and

WHEREAS, After receiving an honorable discharge, Scott Ruedy remained a member of the Army Reserves with a rank of Sergeant E-5; and

WHEREAS, During the short period Scott served as a page with the 1991 Nevada Assembly, he captured the respect and admiration of his friends and coworkers; and

WHEREAS, As the enormity of the Gulf War became apparent, Scott volunteered to return to active duty and participate in Operation Desert Storm as a combat signaler with an armory unit; and

WHEREAS, The U. S. Army accepted Scott's patriotic offer and deployed him on February 13, 1991; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature express their appreciation for Scott's courteous and efficient service to the Assembly and extend their best wishes as Scott bravely serves his state and country; and be it further

RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to Scott's proud father Howard, his twin brother Shawn, older brother Glenn and younger sister Kristin.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter and Myrna Williams.

Assemblyman Callister requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. As those of you may or may not know, we have a new page this morning who I'm sure Mrs. Williams will introduce at a later date. The reason for that is because Scott Ruedy, whom I'm sure all of you met, has now been called back to duty in the Armed Forces. It is ironic, Mr. Speaker, for a war that is thousands of miles away, we need look no further than this very room to see that conflict has touched all of us, first with our distinguished colleague, Mr. Gibbons who is serving admirably, and now another member of this body, the 66th Session, has been called away. There aren't that many of us in this room on a percentage basis; it is a little frightening.

Scott is a very nice young man and had a great future ahead of him and still does. I urge the adoption of the resolution. I wish Scott well. I wish Jim well and all the other members of our Armed Forces who at this moment are putting their lives on the line. Thank you, Mr. Speaker.

ASSEMBLYMAN MYRNA WILLIAMS:

I, too, urge the adoption of this resolution. Mr. Porter said that we need only to look at this room and our small numbers and realize that two people who have worked with us, that we feel affection for, are gone, doing a job that we believe needs to be done and they volunteered to do it. We are very proud of them. We pray for them and we wish them well and we certainly urge your adoption of this resolution.

Resolution adopted, unanimously.

Assemblyman Bergevin moved that Assembly Bill No. 81 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Remarks by Assemblyman Bergevin.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 333—An Act relating to fraternal benefit societies; revising generally the provisions governing such organizations; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 334—An Act relating to taxation; extending to widowers the benefits of certain exemptions granted to widows and orphans; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 335—An Act relating to property taxes; revising the standards used by the department of taxation in conducting the ratio study of the assessed value of property; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 336—An Act relating to taxation; revising the provisions governing the distribution of the revenue from the supplemental city-county relief tax; requiring the annual certification of population to include certain additional local governments; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 337—An Act relating to taxation; requiring the department of taxation to establish uniform standards and required training concerning the assessment of property by county assessors; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 338—An Act relating to the legislature; creating the interim legislative committee on taxation; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 339—An Act relating to roads; providing in skeleton form for the establishment of toll roads and bridges by local governments; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Concurrent Committees on Government Affairs and Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 340—An Act relating to counties; providing in skeleton form for the consolidation of Elko and Eureka counties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 341—An Act relating to education; increasing the age until which certain children are required to attend public school; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Marvel, Bergevin, Carpenter, Spriggs, McGinness and Wendell Williams:

Assembly Bill No. 342—An Act relating to agriculture; creating a fund for the control of agricultural pests; authorizing the state board of agriculture to adopt certain regulations; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 282; Assembly Resolution No. 4.

## REMARKS FROM THE FLOOR

Mr. Speaker requested that Assemblyman Price's remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to take a few moments to reflect on legislative definitions. During my many years here at the Legislature with you, we have revised definitions from time to time. Routinely we make misdemeanors felonies. We have defined those bodiless, faceless corporations as persons. On occasions, we have made juveniles adults.

A few years ago we cavalierly, as the word is, declared that for the purposes of Nevada Revised Statutes that "he's" would also mean "she's." A declaration that may have been appropriate in San Francisco and who can forget, I believe it was only a couple of sessions ago that at the behest of the Racing Commission, we boldly declared that mules were horses for one day a year, coincidentally, on the same day as the Winnemucca mule races.

Mr. Speaker, on January 21 of this year, this body had for its consideration ACR 1 setting for the procedure, a procedural scheme, that you sir, represented that if my colleagues and I voted in the affirmative, we would receive a two-week recess.

Mr. Speaker, by the end of the first week of your declared recess, I began to think that I had not heard you correctly, so I went back to our legislative record and reviewed it and found that you surely did promise that we would, in fact, receive a two-week recess.

Somewhat confused at that point in time, I decided to refer to that document written by that giant among men, former United States Senator, Daniel Webster, now deceased, and commonly referred to as Webster's Dictionary and I would like to read that definition. The definition of a recess is, "A suspension of business or procedure often for rest or relaxation."

Mr. Speaker, during the 18 years that I have known you and we have been acquainted, I have always found you to be an honorable, honest, well spoken, generally truthful representative of the people of Nevada. So, since I believe that you have indicated that we may have more recesses in the future, I am proposing for your consideration a definition of a legislative recess to be put into our statutes. It would be a change of normal business procedure that often results in legislative committees working 9 to 12 hours a day, 6 days a week with no pay. Financial staff working 16 to 18 hours a day, 7 days a week. Other legislative staff may become confused because some are sent home resulting in a loss of income while others are working overtime. The public becomes confused as to which

committees are meeting in southern Nevada or Carson City. The bewildered *Nevada Appeal* declares simultaneously on its front page, in one story, that few citizens are coming to the meetings while its headlines relate that hundreds are attending legislative hearings. Overworked legislators are reported to doze off during hearings while lobbyists sleep in the audience. Other lobbyists complain that having legislators at both ends of the state makes it much harder to resolve problems, lavish expensive meals, tickets or attention upon said legislators. Senators and Assemblymen become tired and cranky, often venting their frustration by issuing subpenas and berating agency heads and employees. Normally a condition that might be referred to as an Iraqi fire drill. Thank you, Mr. Speaker.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Terry Murphy and Pat Moncrief.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Eric Horn.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Chris Hansen, Trudy Erquiaga, Susan McCormick, Terry Sorensen and students from E. C. Best Elementary School: Catherine Vincent, Casey Saldivar, Jeremy Lewis, John Leon, Nick Stegeman, Wayne Keele, Adrian Emon, Brandon Sorensen, Drew Schank, John McCormick, Todd Keller, Ian Coleman, Gabe Vanpoucke, David Flores, Jon Robinson, Sean Ward, Tim Healy, Mandi Trujillo, Kim Louce, Loni Johnston, Julie Medrano, Jamie Isbister, Rachel Sorensen, Fred Morina, Paul Hutchings, Shane Pfistee, Adam Starr, Kristi Lorimore, Rachel Jerman, Jenny Lumos, Carlene Pacheco, Cory Sorensen, Rob Heywood, Michelle Tayler, Amber Jones, Jennifer Godwin, Patricia Wilcox, Mandie Hughes, Mike Williamson, Jace Hunter, Matt Grisom, Rob Heap, Stacey Davenport, Kristen Weed, Chrissie Notter, Luke Anderson, Rebecca Novak and Cody Gregg.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Hal Ober and Mrs. Dee Ober.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, February 26, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), February 26, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken De Lyser.

Our Heavenly Father, we acknowledge our dependence upon Your mercy and wisdom in our daily living experiences. We ask that You would continue to express Your love and kindness in all that we endeavor to do. Guide the actions, control the attitudes, and direct the decisions of this Assembly as it is in session. We ask these things in Thy precious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 109, 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 105, 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 289 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 304 be taken from the Second Reading File and re-referred to the Committee on Judiciary.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:11 a.m.

## ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 47, 236.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 141.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 21—Requiring the 66th session of the Nevada Legislature to redistrict in a manner that each member of the legislature is elected from a single-member legislative district and providing that each senate district is coterminous with two adjoining assembly districts.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 343—An Act relating to banks; eliminating certain provisions relating to fees for the licensing of banks; authorizing the commissioner of financial institutions to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 344—An Act relating to used materials; prohibiting a person from advertising as a junk or secondhand dealer without a license; providing a penalty; making technical changes; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Spriggs, Lambert, McGinness, Gibbons and Sader:

Assembly Bill No. 345—An Act relating to statutes; repealing various antiquated provisions of NRS; changing references from "aeronaut" to "operator" in various provisions of NRS; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Evans, Anderson, Heller, Arberry, Callister, Gregory, Gibbons, Scherer, Wendell Williams, Bayley, Myrna Williams, Hardy, Bache, Giunchigliani, Humke and Freeman:

Assembly Bill No. 346—An Act relating to children; increasing the allocation from the fees collected for birth and death certificates for credit to the children's trust account; increasing the percentage of money in the account available for the expenses of administering the account; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

By Assemblymen Norton, Elliott, Bayley, Johnson, Anderson, Gregory, Bache, Bennett, Petrak, Gibbons, Scherer, Little, Wong, Wendell Williams, Haller, Porter, Freeman, Price, Giunchigliani, Goetting, Pettyjohn, Arberry and Krenzer:

Assembly Bill No. 347—An Act relating to mobile home parks; requiring the landlord of a park to post and to provide to certain persons upon request a copy of leases and rental agreements for lots in the park; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 348—An Act relating to campaign practices; prohibiting the publication of a false statement relating to a candidate or a question on the ballot; providing penalties; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 47.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 236.

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

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 33.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 52.

Amend section 1, page 1, line 5, after "*charge or*" by inserting: "*for a recommendation of*".

Amend sec. 3, page 2, line 5, after "*charge or*" by inserting: "*for a recommendation of*".

Amend sec. 3, page 2, line 7, by deleting "*Permit*" and inserting: "*After excising any portion it deems irrelevant or prejudicial, permit*".

Amend sec. 3, page 2, by deleting lines 10 and 11, and inserting: "*related pressures on the defendant by providing the jury with an appropriate cautionary instruction; and*".

Amend sec. 4, page 2, line 19, after "*charge or*" by inserting: "*for a recommendation of*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 53.

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

"Section 1. NRS 200.690 is hereby amended to read as follows:

200.690 1. [Any] *Except as otherwise provided in subsection 3, a* person who willfully and knowingly violates NRS 200.620, 200.630, 200.640 or 200.650:

(a) Shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(b) Is liable to a person whose wire or oral communication is intercepted without his consent for:

(1) Actual damages or liquidated damages of $100 per day of violation but not less than $1,000, whichever is greater;

(2) Punitive damages; and

(3) His costs reasonably incurred in the action, including a reasonable attorney's fee,

all of which may be recovered by civil action.

2. A good faith reliance by a public utility on a written request for interception by one party to a conversation shall be a complete defense to any civil or criminal action brought against the public utility on account of such interception.

*3. A person other than a law enforcement officer acting in his official capacity who violates NRS 200.620 or 200.630 is guilty of a misdemeanor. Such a person is not liable for damages in a civil action based on the violation.*".

Amend the title of the bill to read as follows:

"An Act relating to communications; reducing the penalty for certain interceptions or recordings of wire or radio communications; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Reduces penalty for certain interception or recording of wire or radio communications. (BDR 14-211)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader, Price and Porter.

Amendment adopted.

Assemblyman Price requested that the record reflect that he voted "no" on Amendment No. 53 to Assembly Bill No. 50.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 54.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the title of the bill, second line, by deleting "any crime,".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 50.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting:

"2. *It is unlawful for any person knowingly or willfully to make or cause to be made any telephonic access to a system if*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 110.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 111.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 120.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 150.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 155.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 160.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 163.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 176.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 199.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 225.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 253.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 283.
Bill read second time, ordered engrossed and to third reading.

Senate Joint Resolution No. 11 of the 65th Session.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 13 of the 65th Session.
Resolution read second time and ordered to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 349—An Act relating to water pollution control; authorizing the imposition of an administrative penalty for any violation of the Water Pollution Control Law; prohibiting certain discharges of pollutants; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 350—An Act relating to water pollution control; expanding the requirement that the state environmental commission determine the qualifications of certain persons operating package plants for sewage treatment to include all plants for sewage treatment; authorizing the commission to adopt regulations requiring certification by the state department of conservation and natural resources of certain persons operating plants for sewage treatment; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 351—An Act relating to hazardous waste; specifying the grounds for issuance of search warrants to agents, officers or employees of the state department of conservation and natural resources for the enforcement of provisions governing the disposal of hazardous waste; increasing the penalties for certain violations; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Judiciary.

Motion carried.

By Assemblymen Humke, Evans, Arberry, Callister, Wendell Williams, McGaughey, McGinness and Goetting:

Assembly Bill No. 352—An Act relating to foster care; establishing minimum rates of compensation to persons licensed to conduct family foster homes; authorizing the welfare division of the department of human resources to offer supporting services for such persons; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 81.

Bill read third time.

Remarks by Assemblymen Krenzer and Bergevin.

Roll call on Assembly Bill No. 81:

YEAS—42.

NAYS—None.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 277:

YEAS—42.

NAYS—None.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Christina Mayer, Messrs. Paul Rieckers and Bob Prary.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lilika Newman.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carole Worthen, Messrs. Hansen, Chism, Howe, Koewler, Mrs. Klaich, Ms. Joanne Culverhouse and students from Jessie Beck Elementary School: Dinitia Andresen, Eden Beesley, Jennifer Billharz, Sarah Brook, Johnna Chism, Eva Crocco, Tuncay Dogan, Tyler Elcano, Michael Epsteyn, Andrew Gardner, Ernest Hope, Katie Horning, Nicole Howard, Matthew Howe, Nicholas Klaich, Timothy Koewler, Ashleigh Lynn, M. C. Malloy, Sean McGill, Andrew Michelson, Robyn Murray, Taylor Myatt, Shayna Quilici, Calvin Smith, Brian Vanwinkle, Rebecca Williams, Drew Ballingham, Brandon Boushy, Juliana Breslin, Nikki Barcia, Benjamin Brennan, John Burroughs, Lona Cavallera, Alan Chao, Kevin Clerkin, Dustin Coan, Stephen Faes, Aaron Gabbart, Ashley Halminiak, Carrie Hanson, Dane Hastings, Brooke Howard, Ryan Jones, Lefebrre Lyndsey, Justin Mickley, David Nevin, Sara Reynolds, James Roland, Paul Roulias, Hillary Smith, Alejandra Saldana, Joseph Snider, Ambrea Wiesle, Cameron White and John Corrigan.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, February 27, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), February 27, 1991

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken De Lyser.

Gracious Father, we are told in Your Holy Word to ". . . seek the Lord and His strength." We come today truly seeking You and Your strength. We ask this that we may be strong to do the tasks of government for the people of this great state. Gracious God, grant unto us strength this day for we ask in Thy Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 20.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 173.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Spitler, Goetting, Pettyjohn, Petrak, Gregory, Bergevin, Porter, Wendell Williams, Krenzer, Norton, Haller, Kerns, Freeman, McGaughey, Scherer, Gibbons, Carpenter, Johnson, Bayley, Wong, Little, Arberry, Giunchigliani, Dini, Myrna Williams, Callister, Marvel, McGinness, Heller, Spriggs, Lambert and Bache:

Assembly Bill No. 353—An Act relating to motor vehicles; authorizing the issuance of a special license plate to a recipient of the Purple Heart; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 173.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 31.

Amend sec. 3, page 1, line 15, by deleting "*in projects*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 10 as sections 4 through 9.

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

"Sec. 10. NRS 119A.710 is hereby amended to read as follows:

119A.710 It is unlawful to engage in unfair methods of competition or deceptive or unfair acts in the offer to sell or sale of a time share including, without limitation:

1. Misrepresenting or failing to disclose any material fact concerning a time share.

2. Including in an agreement for the purchase of a time-share provisions purporting to waive any right or benefit provided for purchasers under this chapter.

3. Receiving from a prospective purchaser any money or other valuable consideration before the purchaser has received a statement of public offering.

4. Misrepresenting the amount of time or period of time the unit will be available to a purchaser.

5. Misrepresenting the location or locations of the unit.

6. Misrepresenting the size, nature, extent, qualities or characteristics of the unit.

7. Misrepresenting the nature or extent of any services incident to the unit.

8. Misrepresenting the conditions under which a purchaser may exchange occupancy rights to a unit in one location for occupancy rights to a unit in another location.

9. Failing to disclose initially that any promised entertainment, food or other inducements are being offered to solicit the sale of a time share.

10. Conducting or participating in, without prior approval by the division, any type of lottery or contest, or offering prizes or gifts to induce or encourage a person to visit a time-share project, attend a meeting at which a time share will be discussed, attend a presentation or purchase a time share.

11. *Failing to disclose initially to a prospective purchaser any agreement between the project broker or sales agent and the developer that results in a sharing of sales proceeds in excess of a minimum sales price for a time share.*

*12.* Any act or practice considered an unfair method of competition or an unfair or deceptive act or practice under NRS 207.170, 207.171 or 598.410 to 598.414, inclusive, or chapter 598A or 599A of NRS.".

Amend the title of the bill, second and third lines, by deleting: "requiring that a sales contract contain appropriate notices required by federal law;" and inserting: "making unlawful the failure to disclose certain profit-sharing agreements;".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

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

"Section 1. NRS 200.5098 is hereby amended to read as follows:

200.5098 *1.* The aging services division of the department of human resources shall:

[1.] *(a)* Identify and record demographic information on the older person who is alleged to have been abused, neglected or exploited and the person who is alleged to be responsible for the abuse, neglect or exploitation.

[2.] *(b)* Obtain information from programs for preventing abuse of older persons, analyze and compare the programs, and make recommendations to assist the organizers of the programs in achieving the most efficient and effective service possible.

[3.] *(c)* Publicize the provisions of NRS 200.5091 to 200.5099, inclusive.

*2. The administrator of the aging services division of the department may organize one or more teams to assist in strategic assessment and planning of protective services, issues regarding the delivery of service, programs or individual plans for preventing, identifying, remedying or treating abuse, neglect or exploitation of older persons. Members of the team serve at the invitation of the administrator and must be experienced in preventing, identifying, remedying or treating abuse, neglect or exploitation of older persons. The team may include representatives of other organizations concerned with education, law enforcement or physical or mental health.*

*3. The team may receive otherwise confidential information and records pertaining to older persons to assist in assessing and planning. The confidentiality of any information or records received must be maintained under the terms or conditions required by law. The content of any discussion*

*regarding information or records received by the team pursuant to this subsection is not subject to discovery and a member of the team shall not testify regarding any discussion which occurred during the meeting. Any information disclosed in violation of this subsection is inadmissible in all judicial proceedings.*".

Amend the title of the bill to read as follows:

"An Act relating to crimes against persons; authorizing the organization of multi-disciplinary teams to assist in the coordination of protective services for older persons; prohibiting the discovery of the content of discussions by such teams; declaring certain information to be inadmissible; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes organization of certain teams to assist in coordination of protective services for older persons. (BDR 18-507)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time.

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

Amendment No. 46.

Amend the bill as a whole by deleting sections 1 through 3 and the text of the repealed section and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 228.380 is hereby amended to read as follows:

228.380 The powers of the consumer's advocate do not extend to matters directly relating to [the consideration of tariffs requested by a telephone utility for products or equipment which the utility certifies under oath are subject to competition.] *discretionary or competitive telecommunication services.*".

Amend the title of the bill, first line, by deleting "repealing" and inserting "revising".

Amend the summary of the bill, first line, by deleting "Repeals" and inserting "Revises".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## REMARKS FROM THE FLOOR

Assemblyman Spitler requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I did want to indicate to the members of the Assembly that I do work for the utility which provides telecommunication services and I will not be voting on issues directly related to the companies' or the industries' operations.

SECOND READING AND AMENDMENT

Assembly Bill No. 121.

Bill read second time.

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

Amendment No. 45.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 6 as sections 2 through 5.

Amend the title of the bill, first and second lines, by deleting: "providing that certain appeals may not be taken to a board of adjustment;".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 41.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 503.005 is hereby amended to read as follows:

503.005 1. Except as *otherwise* provided in subsection 2, a person shall not kill or attempt to kill any birds or animals while [such person is] flying in an aircraft.

2. The commission may promulgate rules and regulations whereby the department may issue permits authorizing the hunting or killing of coyotes , [or] bobcats *or ravens* from an aircraft.

3. Every person who willfully violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 2. NRS 503.010 is hereby amended to read as follows:

503.010 1. It is unlawful to molest, rally, stir up or drive any game animals or game birds with [any] *an* aircraft, helicopter [,] *or* motor-driven vehicle, including a snowmobile, motorboat or sailboat.

2. Except as *otherwise* provided in this subsection, it is unlawful to shoot at any game animals or game birds with [any] *a* weapon from [any] *an* aircraft, helicopter or motor-driven vehicle, including a snowmobile. A person who is a paraplegic, has had one or both legs amputated or has suffered a paralysis of one or both legs which severely impedes his walking may shoot from [any] *a* stopped motor vehicle which is not parked on the traveled portion of a public highway, but he may not shoot from, over or across [any] *a* highway or road specified in NRS 503.175.

3. It is unlawful to spot or locate game animals or game birds with any kind of aircraft or helicopter and communicate this information by any means to a person on the ground for the purpose of hunting or trapping.

4. It is unlawful to use a helicopter to transport game, hunters or hunting equipment, except when the cargo or passengers or both are loaded and unloaded at airports, airplane landing fields or heliports, which have been established by a department or agency of the federal or state government or by a county or municipal government or when the loading or unloading is done in the course of an emergency or search and rescue operation.

*5. For the purposes of this section, "game bird" does not include a raven even if classified as a game bird pursuant to NRS 501.110.".*

Amend the bill as whole by adding new sections designated sections 4 through 9, following sec. 3, to read as follows:

"Sec. 4. NRS 503.570 is hereby amended to read as follows:

503.570 1. [Every] *A* person taking or causing to be taken wild animals by means of traps, snares or any other devices which do not, or are not designed to, cause immediate death to [such] *the* animals, shall, when [any such] *the* traps, snares or devices are placed or set for the purpose of taking animals, visit or cause to be visited at least once each 96 hours each [such] trap, snare or other device during all of the time the trap, snare or device is placed, set or used in the taking of wild animals, and remove therefrom any animals caught therein.

2. The provisions in subsection 1 do not apply to employees of the state department of agriculture or the United States [Fish and Wildlife Service] *Department of Agriculture* when acting in their official capacities.

Sec. 5. NRS 567.020 is hereby amended to read as follows:

567.020 For the purpose of cooperating with the [Fish and Wildlife Service of the] United States Department of [the Interior] *Agriculture* for the control of predatory animals, crop-destroying birds and rodents within the State of Nevada, with [such funds] *money* as may be made available to it by contributions either by private or public agencies, or otherwise, there is hereby created the state predatory animal and rodent committee.

Sec. 6. NRS 567.080 is hereby amended to read as follows:

567.080 The committee shall enter into agreements from time to time with the [Fish and Wildlife Service of the] United States Department of [the Interior] *Agriculture* covering cooperative control of predatory animals, crop-destroying birds and rodents in and by [such] manners and methods whereby a maximum of protection against losses of *property,* livestock, poultry, game birds, animals and crops on a statewide basis best can be assured with a maximum of returns for the [funds] *money* expended.

Sec. 7. NRS 567.130 is hereby amended to read as follows:

567.130 1. The board, acting as the committee, may:

(a) Enter into cooperative agreements with the [Fish and Wildlife Service of the] United States Department of [the Interior] *Agriculture* in its program of predatory animal control.

(b) Contribute money to aid the program from the fund for control of predatory animals in accordance with the terms of [such] *the* cooperative agreements and within the limitations of the fund for control of predatory animals.

2. The board may [draw upon] *withdraw money from* the fund for control of predatory animals for this purpose only and the [sums so drawn] *money withdrawn* must be made available from the fund by the proper authorities of the state in the amounts and for the purposes for which [they are drawn.] *the money is withdrawn.*

Sec. 8. NRS 567.140 is hereby amended to read as follows:

567.140 In the case of any [funds] *money* made available to the [Fish and Wildlife Service of the] United States Department of [the Interior under] *Agriculture pursuant to* the provisions of NRS 567.100 to 567.170, inclusive, the [Fish and Wildlife Service of the] United States Department of [the Interior] *Agriculture* shall furnish to the board, as soon as practicable after the succeeding date of June 30 of each year concerned, a detailed statement of its disposition of [such funds] *the money* and a report of the results accomplished thereby.

Sec. 9. NRS 567.150 is hereby amended to read as follows:

567.150 [In the case of any proceeds] *Any money* from the sale of furs received by the board from the [Fish and Wildlife Service of the] United States Department of [the Interior] *Agriculture* or any other contributions which may be received by the board for aiding in control of predatory animals [, the amounts concerned] must be deposited by the board in *the state treasury for credit to* the fund for the control of predatory animals [, becoming a part thereof and subject to] *and may only be expended in accordance with* the provisions of NRS 567.100 to 567.170, inclusive.".

Amend the title of the bill to read as follows:

"An Act relating to animals; authorizing the board of wildlife commissioners to adopt regulations to issue permits for the hunting or killing of ravens from an aircraft; providing that "game bird" does not include a raven, crow or magpie for the purposes of the statute governing waste of game birds; making various changes relating to wild and predatory animals; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding wildlife and other animals. (BDR 45-388)".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 63.

Amend sec. 2, page 1, line 6, by deleting: "upon passage and approval." and inserting: "on January 2, 1992.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 43.

Amend sec. 12, page 6, by deleting line 31 and inserting: "*or sentence, it must be:*".

Amend sec. 20, page 15, lines 16 and 17, by deleting: "transcript must be prepared immediately" and inserting: "*daily* transcript must be prepared [immediately]".

Amend sec. 32, page 19, line 26, after "to any" by inserting "post-conviction".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 288.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 109.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 110 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 33:

YEAS—31.

NAYS—Anderson, Bayley, Bennett, Elliott, Johnson, Little, Petrak, Scherer, Spitler, Stout—10.

Absent—Mr. Speaker.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the vote whereby Assembly Bill No. 33 was passed be rescinded.

Remarks by Assemblyman Porter.

Assemblyman Porter requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker, the reason for that is the Speaker's button did not light up on the board and he was recorded as being absent when in fact he is here.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 33 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblymen Elliott and Sader.

Roll call on Assembly Bill No. 33:

YEAS—33.

NAYS—Anderson, Bayley, Bennett, Elliott, Goetting, Johnson, Scherer, Spitler, Stout—9.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 56:

YEAS—42.

NAYS—None.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 107:

YEAS—42.

NAYS—None.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 111:

YEAS—42.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 120:
YEAS—36.
NAYS—Arberry, Elliott, Gibbons, Johnson, Wong—5.
Not voting—Mr. Speaker..

Assembly Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 144.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Assembly Bill No. 144:
YEAS—42.
NAYS—None.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 150:
YEAS—42.
NAYS—None.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 155.
Bill read third time.
Remarks by Assemblyman McGaughey.
Roll call on Assembly Bill No. 155:
YEAS—42.
NAYS—None.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 160.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 160:
YEAS—42.
NAYS—None.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:45 a.m.

## ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 163.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 163:

YEAS—42.

NAYS—None.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 176:

YEAS—42.

NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 199, 225, 253, 283; Senate Joint Resolutions Nos. 11 of the 65th Session and 13 of the 65th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 354—An Act making a supplemental appropriation to the supreme court of Nevada for the support of the retired justices' duty fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 355—An Act making an appropriation to the office of the attorney general for expenses related to defending the State of Nevada against potential liability arising from its alleged prior ownership of land claimed to be contaminated with hazardous materials; and providing other matters properly relating thereto.

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

Motion carried.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Garry Stevenson, Mike Hanson and students from the Yerington High School: Jamie Arigoni, Jose Benitez, Danny Bentley, Brian Bezayiff, Mike Bobrick, Stephanie Bowen, Angi Brown, Justin Brown, Shannon Bruce, Monica Brunette, Timothy Brunette, Rendell Burdick, Angela Carrera, Shane Cartwright, Hector Cervantes, Gary Chisum, J. J. Curcio, Tiffany Dini, Jana Edge, Scott Erickson, Kayelynn Evasovic, Lisa Fauyer, Kenneth Freeman, Teressa Hagen, Benjamin Harrison, Robert Henderson, Marc Hillygus, Dustin Homan, Christopher Howard, Tad Johnson, Louis Jones, Leon Kenerson, Janine Kness, Boone Lawrence, Joe Lowery, Mike Luning, John Mattice, Jimmy Menesini, Jason Milligan, Dan Monahan, Matt More, Peggy Ogden, Jeromy Pierroz, Bridget Piscitello, Robert Reed, Tricia Roberts, Nikki Robinson, Randy Rupracht, Wayne Thompson, Vicki Tiscareno, Bob Tracy, Jon Weishaupt, Shawna Whalin, and Victor Williams.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jacqueline Carleton.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Shelia Ward.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Phyllis Gurries.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Cresanta.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Bonnie Weber.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Alf Rylander, Jud Rylander, Jim Bosley, Mss. Claudia Hutchings, Ida Riggins, Beth Akins, Elaine Laca, Ellen Sorensen and students from E. C. Best Elementary School: Kristina Bateman, James Bosley, Erik Boyer, Jon Copeland, Bran-

die Dixon, Chris Humphrey, Valerie Hutchings, Paul Laca, Sara Lesue, Mindy McConnell, Jerrie McKibben, Monica Miller, Michael Owens, Joey Perez, Becky Richards, Billy Rucker, Brandy Smith, Cole Thurston, Benny Whaley, T. J. Adkinson, Darcy Akins, Theresa Amos, Erin Fleming, Ethan Guillen, Sean Hiskett, Alanna Jones, Dennis Lee, Trae Lee, Bradely Lewis, Mandie Lister, Matt Manha, Shannon McGinness, Pete Olsen, Charles Presnell, Kelley Propst, Galen Reid, Heather Riggins, Justin Sorensen, Ember Stark, and Ryan Whaley.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Celesta Pope and Mr. Paul Miramontes.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeromy Pierroz.

Assemblyman Porter moved that the Assembly adjourn until Thursday, February 28, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE THIRTY-NINTH DAY

CARSON CITY (Thursday), February 28, 1991

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken De Lyser.

Gracious Father, we are told in Your word to "commit our ways to You and You will direct our paths." We come today committing the work of this Assembly into Your care. We pray for Your divine guidance and Your tender mercy. Grant unto each legislator direction, clarity of mind and unity of spirit as they govern the affairs before them this day. We ask it in Thy Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Bills Nos. 236, 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 16, 22, 196.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Resolution No. 5—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Joan Babic, Juliana Baker, Sharon Burnham and Janet Busse are elected as additional attachés of the Assembly for the 66th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 3.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 356—An Act relating to mechanic's liens; adopting the Uniform Act on Liens for Construction; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 357—An Act relating to actions; limiting the liability of an owner of real property for injuries to persons who are hang gliding or para-gliding; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 358—An Act relating to criminal procedure; extending the provisions for determining the sanity of a defendant to all misdemeanors; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 359—An Act relating to building; requiring use of the best available methods for the conservation of water and energy in all new construction; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Lambert (by request):

Assembly Bill No. 360—An Act relating to trade practices; prohibiting businesses from requiring customers to disclose certain information as a condition of renting a videotape; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen McGinness, Arberry, Heller, Wong, McGaughey, Myrna Williams, Gibbons, Lambert, Spriggs, Little, Bergevin, Kerns, Hardy, Pettyjohn, Goetting, Gregory, Stout, Carpenter, Elliott, Wendell Williams, Garner, Anderson, Porter, Spitler, Dini, Freeman, Humke, Haller and Norton:

Assembly Bill No. 361—An Act relating to wildlife; authorizing the board of wildlife commissioners to issue fishing or hunting licenses at a reduced fee to residents of this state who are attending a military academy operated by a branch of the Armed Forces of the United States; and providing other matters properly relating thereto.

Assemblyman McGinness moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 362—An Act relating to contractors; eliminating the authority of the state contractors' board to grant a waiver from the requirement for a surety bond or cash deposit; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 363—An Act relating to landlord-tenant relationships; prohibiting a landlord from preventing a public officer or candidate for public office from walking through an apartment complex to talk with tenants; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 364—An Act relating to elections; revising certain dates for filing declarations or certificates of candidacy; correspondingly limiting the length of time that campaign signs may be displayed without charge; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Lambert, Spriggs, Freeman, Bennett, Petrak, Johnson, Hardy, Sader, Porter, Kerns, Carpenter, Elliott, McGaughey, Bergevin, Garner, Gregory, Gibbons, Krenzer, Little, McGinness, Stout, Heller, Myrna Williams, Humke, Arberry, Goetting, Bache, Pettyjohn, Price and Wong:

Assembly Bill No. 365—An Act relating to trade practices; prohibiting a business from recording certain numbers as a condition of accepting a check or a credit card; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 16.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 22.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 196.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 171.

Bill read second time, ordered engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 50 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 283 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblymen Scherer and Price.
Roll call on Assembly Bill No. 45:
YEAS—41.
NAYS—Price.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 51.
Bill read third time.
Remarks by Assemblyman Norton.
Roll call on Assembly Bill No. 51:
YEAS—42.
NAYS—None.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 58.
Bill read third time.
Remarks by Assemblymen Hardy, Arberry and Sader.
Roll call on Assembly Bill No. 58:
YEAS—42.
NAYS—None.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 199.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 199:
YEAS—42.
NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 225.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Assembly Bill No. 225:
YEAS—42.
NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblymen Bennett and Price.

Roll call on Assembly Bill No. 253:

YEAS—42.

NAYS—None.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Assembly Bill No. 288:

YEAS—42.

NAYS—None.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 109:

YEAS—42.

NAYS—None.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Remarks by Assemblymen Norton and Carpenter.

Roll call on Senate Bill No. 110:

YEAS—42.

NAYS—None.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11 of the 65th Session.

Resolution read third time.

Remarks by Assemblymen Porter, Scherer, Carpenter and Sader.

Assemblyman Scherer requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Senate Joint Resolution No. 11 of the 65th Session proposes to amend the Constitution of the State of Nevada to provide for the election of the Chief Justice by the Justices of the State Supreme Court. This measure will also establish a term of office of four years for the Chief Justice. Provisions will become effective on January 1, 1996. If the bill is approved by the legislature, it will be placed on the 1992 ballot for consideration by the public.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise, today, to express my reasons for voting against this resolution. I believe there is a provision in it that permits the Chief Justice to succeed himself indefinitely as Chief Justice. I believe that creates a dangerous potential for empire building and for that reason, I am voting against this resolution today. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in opposition to S.J.R. 11 of the 65th Session. I believe that the present method of selecting the Chief Justice has worked well for over 125 years. The selection of the Chief Justice is now a predictable event and provides for rotation.

The election of the Chief Justice could produce in-fighting, jealousies and prejudices which could spill over into the decision making process. A strong willed and dominant personality could conceivably control the court for years. If this person were inclined to pursue a specific political agenda or if the inclination were to have a domineering court system, the suppression of individual freedoms, Nevada could suffer undue hardship and turmoil. It could be devastating if the majority of the justices were of such persuasion.

The fact of allowing the Chief Justice to be elected by the majority could be the focal point for much animosity and unnecessary political posture. The situation wherein the Chief Justice will select the Chief Justice of our Appellant Court is another reason we should not make this change. It is the concentration of too much power in one individual. I have heard the arguments that court reform or policies instituted by a Chief Justice cannot be completed because of the short time he is the Chief Justice. I submit that if the changes have merit, the new Chief Justice will continue on the same track. Ours is a system of checks and balances. This system prevents the ones who would dominate our lives and suppress our freedoms from taking over. The only saving feature of S.J.R. 11 is that it must be voted on by the people and hopefully they will see the issues the same as I do and will not allow this change in our Constitution. Furthermore, I would urge a "no" vote by this Assembly to kill S.J.R. 11. Thank you, Mr. Speaker.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I would like to respond to the opposition briefly. First, I'd like to key on the last statement of the former speaker which is that all you are voting for is to allow this to go to the vote of the people. If the people decide that it's not a good idea then at least you have given them an opportunity to decide.

I would like to speak to the merits of the resolution, Mr. Speaker. As Mr. Carpenter indicated, in the current system of appointing a Chief Justice this is simply done on a rotating basis based on who has the shortest term remaining. So each year there is a new Chief Justice. Now the problem with that is in a growing state such as ours the job of Chief Justice changes dramatically. It is no longer sufficient to have a random rotation on an annual basis of Chief Justices. Currently, in today's Nevada, the Chief Justice administers a very difficult and complex docket, one that's grown tremendously and which needs constant attention to streamline and make expeditious procedures. For instance, the Chief Justice of the court recently has made moves to expedite death penalty cases, a project which took several years. Unfortunately, it was done despite the fact that the Chief Justice who initiated it did not have the opportunity to finish the work. Many other jobs, however, might not end up that way. The problem is that one Chief Justice may have a strong interest in reform and the next one may have no interest in reform. Consider for instance the current situation with the Supreme Court in which it is investigating the State Bar of Nevada for discipline charges and other perceived problems. This investigation will take several years. There is no guarantee that the Chief Justice one year will have the same interest as the Chief Justice of the next in pursuing administrative reforms. The Dispute Resolution Committee that the court is currently pushing is also one that takes

several years to do. You just can't finish the job in one year. Just like the Governor who needs several years to work or the legislator who has more than one year, often times you just need to have more time to get something done and that's what this bill really does. It allows four years for the election of a Chief Justice.

And to those critics who suggest that this is empire building, I would suggest to them that the Chief Justice must be re-elected every four years and has to have a majority of your colleagues to do that. For those who consider that to be the potential for abuse because one person can remain in office, I would suggest that it's also possible to have a good Chief Justice who is the same individual and showing good leadership to continue to be re-elected and to be considered by his peers or her peers to be the best person for the job and that is a benefit to the state and not a detriment. Finally, I would make the analogy, Mr. Speaker, just like the Speaker of the Assembly may be re-elected several times because he does a real good job so the Chief Justice of the Supreme Court should have the same opportunity. Thank you.

Roll call on Senate Joint Resolution No. 11 of the 65th Session:

YEAS—29.

NAYS—Bergevin, Carpenter, Elliott, Heller, Humke, Johnson, Kerns, Little, McGaughey, Marvel, Scherer, Spriggs, Stout—13.

Senate Joint Resolution No. 11 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 13 of the 65th Session.

Resolution read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Joint Resolution No. 13 of the 65th Session:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 13 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 366—An Act making an appropriation to the motor pool fund for the purchase of additional vehicles; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 20.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Robert Maxson.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Neal, Ms. Kathy Ritter and students from Reno High School: Kyle Albright, Korri Cartrette, Cris Frank, Peter Hansen, Lisa Eisan, Heather Hoffman, Peter Holiday, Robert Levy, Bart Lydon, Mike McDonough, Christine Moore, Roy Nelson, Tina Oriel, Val Palacol, Jacki Pavy, Nick Schulz, Kamara Talsma, Chris Thompson, Todd Upton, Bryan White, Cory Ash, Bobby Drake, Denver Nelson, Mike Tiller, Stephan Cartledge, Molly Davenport, Jason Delmue, Carrie Ercanbrack, Camille Flangas, Stephanie Gainey, Amy Ginder, Meredith Hamilton, Josh Hicks, Terri Johnston, Chris Lindeken, Greg Meline, Jared Mitchell, Chris Nielsen, Doug Noonan, Jenny Rosta, Tom Schroeder, Nicole Sprenger, Consie Voyevidka, Karin Wanless, Theresa Depaoli, Katie Graves, Kristi Van Gorder and Bob Uithoven.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 1, 1991 at 11 a.m., and that it do so in honor of Mrs. Mouryne B. Landing's birthday.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTIETH DAY

CARSON CITY (Friday), March 1, 1991

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken De Lyser.

Our Heavenly Father, we thank You this day for the refreshing moisture and ask that You would continue to provide the much needed rain. Grant unto us this day the ability to really appreciate Your mercy and Your care. Bless this Assembly in the work that lies before them. Give them strength, dignity and clarity of mind as they work for the good of the people of this state. In Thy Precious Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Concurrent Resolutions Nos. 4, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

### COMMUNICATIONS

#### MESSAGES FROM THE LIEUTENANT GOVERNOR

STATE OF NEVADA

OFFICE OF THE LIEUTENANT GOVERNOR

CARSON CITY, NEVADA, March 1, 1991

THE HONORABLE JOSEPH E. DINI, *Speaker, Nevada State Assembly,* Carson City, Nevada 89710

DEAR MR. SPEAKER:

I would appreciate your reading the following announcement during session on Friday, March 1, 1991.

Girl Scout Government Day is Monday, March 4. We are expecting 175 girls to visit and I would request any members of the Assembly who have not done so, to sponsor a girl

scout for lunch on that day. Please make your reservations through my secretary as soon as possible.

Thank you.

Sincerely,

SUE WAGNER
*Lieutenant Governor*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

Assembly Concurrent Resolution No. 5.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 367—An Act relating to local financial administration; eliminating the requirement that a local government furnish working capital for an internal service fund; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 368—An Act relating to collective bargaining; making various changes relating to the resolution of disputes between local governments and their employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 369—An Act relating to local governmental finances; permitting a school district to consent to an assessment of its property by a local improvement district or general improvement district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 370—An Act relating to the state personnel system; expanding the authority of the director of the department of personnel to

revise the classification plan for positions in the classified service and to make changes in the classification of such positions; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Elliott, Scherer, Hardy, Bergevin, Kerns, Bennett, Gregory, Petrak, Anderson, Johnson, Gibbons, Porter, Lambert, Freeman, Bayley, Spriggs, Norton, Carpenter, Little, Stout, Dini, Heller, McGinness, McGaughey, Marvel, Arberry, Wendell Williams, Goetting, Spitler, Price, Myrna Williams, Humke, Wong, Giunchigliani and Callister:

Assembly Bill No. 371—An Act relating to state finances; providing in skeleton form for the use by state agencies of money saved through prudent fiscal management; and providing other matters properly relating thereto.

Assemblyman Elliott moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Myrna Williams, Petrak, Lambert, Porter, Callister, Giunchigliani, Norton, McGaughey, Krenzer, Evans, Spitler, Sader, Gregory, Humke, Dini, Price, Haller, Arberry, Wong, Bennett and Wendell Williams:

Assembly Bill No. 372—An Act relating to water; providing that for the purpose of appropriating water, water used in connection with a disposal site or repository for radioactive waste is a nonbeneficial use of water; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 22—Providing that the Nevada Legislature agrees that the number of members in the Assembly and the number of members in the Senate is to remain unchanged for the purposes of reapportionment and redistricting by the 66th session of the Nevada Legislature.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 65.

Amend sec. 3, page 1, by deleting lines 12 through 14 and inserting: "*volunteered for training. A person in the reserve pool has the powers of a peace officer while acting on an assignment at the direction of the chief or his designee.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 616.073 is hereby amended to read as follows:

616.073 Volunteer officers attached to the Nevada highway patrol , *the reserve pool of investigators established pursuant to section 3 of this act* or a regularly organized and recognized police department, metropolitan police department or sheriff's unit, while engaged in their duties as such in any voluntary community service and while acting under the direction of the chief of the Nevada highway patrol , *chief of the investigation division of the department of motor vehicles and public safety* or a sheriff or chief of police, or their deputies or assistants, of any county, metropolitan police department, city or town in the protection of life or property shall be deemed, for the purpose of this chapter, employees of the Nevada highway patrol, *investigation division* or the city, town, metropolitan police department or county so recognizing them, at the wage of $900 per month, and are entitled to the benefits of this chapter upon compliance therewith by the Nevada highway patrol, *investigation division* or the county, metropolitan police department, city or town.".

Amend the title of the bill, fifth line, after "investigator;" by inserting: "including the reserve pool of investigators within the definition of "volunteer peace officers" for purposes of industrial insurance;".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time, ordered engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter requested that the record reflect Assemblyman Price excused for the remainder of the day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.
Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Assembly Bill No. 7:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 8.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 8:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 105.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Assembly Bill No. 105:

YEAS—40.
NAYS—None.
Absent—Price.
Not voting—Spitler.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 121.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Assembly Bill No. 121:

YEAS—40.
NAYS—Johnson.
Absent—Price.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 171.
Bill read third time.
Remarks by Assemblymen Garner and Anderson.

Roll call on Assembly Bill No. 171:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblymen McGinness, Carpenter and Haller.

Roll call on Assembly Bill No. 211:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 227:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 4, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTY-THIRD DAY

CARSON CITY (Monday), March 4, 1991

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, we thank You today for a new day to use our lives to serve You and mankind. As Chaplain this morning I thank You for these men and women who are giving of their lives and talents and energies to serve the State of Nevada making our communities a better place to live and work. Your word tells us that You send the rain today. We express our appreciation for the rain and snow that has come to our state. We praise You for the quick and victorious end to the war in the Middle East and we ask that You will bring our service men and women home quickly and safely. Bless each person here today with Your presence in their lives. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

### COMMUNICATIONS

UNITED STATES SENATE

WASHINGTON, D.C. 20510, February 6, 1991

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Nevada Assembly,* Capitol Complex, Carson City, Nevada 89710

DEAR MR. SPEAKER:

This letter is to confirm that Senator Harry Reid will address the Joint Session of the Nevada Legislature on Monday, March 25, 1991.

If you should have any questions, or desire additional information, please contact me at 882-7343.

Sincerely,

WENDELL NEWMAN
*Regional Manager*

UNITED STATES SENATE

WASHINGTON, D.C. 20510, March 1, 1991

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* Nevada State Legislature, Capitol Complex, Carson City, Nevada 89710

DEAR JOE:

I would like to respectfully request the privilege and honor to address the Nevada State Legislature in Joint Session on March 26, 1991 at 11:00 a.m.

I appreciate the opportunity to address the session and look forward to seeing you soon.

Sincerely,

RICHARD H. BRYAN
*United States Senator*

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515, February 14, 1991

SPEAKER JOSEPH DINI, JR., Nevada State Legislature, Capitol Complex, Carson City, Nevada 89710

DEAR SPEAKER DINI:

As a follow-up of my conversation with Mouryne Landing, I am writing to confirm that I would like to address both the Assembly and Senate at a Joint Session on Wednesday, April 3, 1991 at 11:00 a.m.

Sincerely,

BARBARA F. VUCANOVICH
*Member of Congress*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Garner and Wendell Williams:

Assembly Bill No. 373—An Act making an appropriation to the department of education for literacy instruction in adult education; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by Assemblyman McGaughey:

Amendment No. 74.

Amend sec. 3, page 2, line 11, by deleting the period and inserting: "*that may result in the imposition of a sanction for a violation of a rule of a national collegiate athletic association, including any related investigative action.*".

Amend sec. 4, page 2, by deleting lines 12 and 13 and inserting:

"Sec. 4. *1. In any proceeding,*".

Amend sec. 4, page 2, line 20, by deleting "*and*" and inserting an italicized comma.

Amend sec. 4, page 2, line 22, by deleting the period and inserting: "*and may call witnesses on his own behalf.*".

Amend sec. 4, page 2, line 28, by deleting "*contested*".

Amend sec. 5, page 2, line 32, by deleting "*contested*".

Amend sec. 6, page 2, line 40, by deleting "*contested*".

Amend sec. 7, page 2, line 47, by deleting "*contested*".

Amend sec. 7, page 3, line 2, by deleting "*contested*".

Amend sec. 8, page 3, line 5, by deleting "*contested*".

Amend sec. 9, page 3, line 10, by deleting "*contested*".

Amend sec. 10, page 3, line 13, after "Sec. 10." by inserting "*1.*".

Amend sec. 10, page 3, between lines 19 and 20, by inserting:

"*2. Any finding of a violation by a national collegiate athletic association must be based upon and supported by a preponderance of evidence which is of the type commonly relied upon by reasonable and prudent men in the conduct of their affairs and which has been submitted and received in a hearing held and conducted in conformance with the provisions of sections 3 to 14, inclusive, of this act.*

*3. Any penalty or sanction imposed by a national collegiate athletic association must be reasonable in light of the nature and gravity of the violation and must be consistent with penalties and sanctions previously imposed by the national collegiate athletic association upon other member institutions for violations of similar nature and gravity.*".

Amend sec. 12, page 3, line 30, after "Sec. 12." by inserting "*1.*".

Amend sec. 12, page 3, between lines 34 and 35, by inserting:

"*2. In addition to costs and reasonable attorney's fees, a national collegiate athletic association is liable to the aggrieved institution for an amount equal to 100 percent of the monetary loss per year or portion of a year which is suffered during the period that any monetary loss occurs as a result of a penalty imposed in violation of the provisions of sections 4 to 14, inclusive, of this act. To calculate monetary loss for the purposes of this subsection, "100 percent of the monetary loss per year" shall be deemed to be equal to the gross amount realized by the affected athletic program during the immediately preceding calendar year.*".

Amend sec. 14, page 3, line 37, by deleting "*contested*".

Amend sec. 16, page 3, by deleting lines 45 and 46 and inserting: "applies to any proceeding of a national collegiate athletic association regarding an act or omission which occurred after the effec-".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 87:

YEAS—42.

NAYS—None.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 270:

YEAS—42.

NAYS—None.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Assembly Bill No. 287:

YEAS—39.

NAYS—Arberry, Price, Wendell Williams—3.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 24.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 109, 110; Senate Joint Resolutions Nos. 11 of the 65th Session, 13 of the 65th Session; Senate Concurrent Resolution No. 3; Assembly Resolution No. 5.

## REMARKS FROM THE FLOOR

Assemblyman Gibbons requested that Assemblyman Petrak's remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to reminisce for just about two minutes if I can have that time with my colleagues. Back when I was just a young person, about 1934, I was a little bit younger than Mr. Hardy over there. I was a sophomore in high school and the subject that I took was biology. In biology we had a class where we had laboratories and I had this young girl as a lab partner, her name was Ruth, a very dear friend. When we graduated from high school, Ruth went on to the famous teachers college in Pennsylvania, Slippery Rock State Teachers' College, and she got her degree in teaching and her career ended up in education. She later met my brother and she married the guy and became my sister-in-law. She is a notch baby, I tell Mr. Carpenter and Mr. Williams, and she is here with us from Elwood City, Pennsylvania, the place where I was educated. She is here in the audience and she's going to be with us for two weeks. Chances are my colleagues will get to see her and say "Hi" to Ruth, the pretty young lady back here. I would like her to stand. Thank you, Mr. Speaker. Thank you, Ruth.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Chantel Salas, Jolene Jayombek, Mss. Celeste Johnson, Shirley Ceaglio, Audrey Frazee, Julie Balik, Trish Mahe, Rowena Gilman, Kathy McCarthy, Debra Ponte, Laura Zimmerman, Susan Jackson, Robin Sweet, Trish Elliott, Jill Wilson, Valerie Sheldon, Messrs. John Truesdell and Bruce Stewart.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Tara Jarvis, Tina Johnson, Aleya Allen, Melanie Newth and Lisa Santa Cruz.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Meghan McGowan and Christine Bell.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Brenda Waters and Kathy Hanten.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Holly Chandler and Angie McKnight.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Mindy Brady and Natalie Morse.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jennifer Price and Shannon Tillman.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Melissa Watness and Amy Iverson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Nicole Woster and Rebecca Christensen.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Heidi Bertolino and Angela May.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Audra Oxborrow and Cristina Taormina.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to students from Sparks High School: Kelly Kapaun and Kelly Elliott.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Christie McVay and Michelle Smith.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Melissa Blanton and Melissa Heckendorn.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Lindsey Nunn and Nicole Ponte.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Marrianne Hairgrone and Amanda Crandell.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Cara Ceaglio and Jenny Brooks.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jennifer Stewart and Tracy Balik.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Sally Johnson and Sierra Knapp Troop 264.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Samantha Lambert and Lori Hoffman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Laurel Brooks and Shannon Curl.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Priscilla Johnson and Lauren Gilman.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Megan Cutler and Jennifer Mahe.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Lari Frazee and Kourtny Sheldon.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Erin Jackson and Christine Miller.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Desiree Meaney and Whitney Bremner.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Sommer Rogers and Michonne Johnson.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Marie Elwood and Sarah Bennett.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Debbie Blanton and Girl Scouts Maraleis Dahl, Wendie Schnabel, Shyla Blackketter, and Melanie Shaw.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Sarah Wilkie and Shawna Parsons.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jennifer Evans, Andrea Jessee, Karrie Napier and Robin Gleeson.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Sarah Norberg and Michon Chandler.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jenny Keefe and Mary Henry.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Christie Woster and Jessica Crandell.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Melanie Maddox and Kristina Wilson.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Lilo Bayati, Vanessa Jordan, Jenny Knickelbein and Lisa Fraser.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Nesha Berdinski and Sarah Echo.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Kim Mason and Mr. Bob Perchetti.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jamie Morse, Karrie Keck and Tia Madigan.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Michelle Godard and Rachelle Hinkel.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Stacey Rockett and Julie Barreras.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Stephanie Truesdell and Shannon Fox.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 5, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 5, 1991

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, we acknowledge You today to be our God in which America trusts. We ask Your blessings to be upon America, our President, and especially these men and women who serve here in the Assembly who are giving of their talents and sacrificing their personal careers to serve the State of Nevada. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 115, 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 202.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolutions Nos. 11, 13.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Concurrent Resolution No. 13:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 374—An Act relating to railroads; authorizing the public service commission of Nevada to collect an annual fee to cover the cost of safety inspections; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 375—An Act relating to local governments; exempting certain purchases of equipment for use by a local law enforcement agency in the course of an undercover investigation from requirement of competitive bidding; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 376—An Act relating to counties; allowing counties to impose and collect a fee for the protection of a species or subspecies of wildlife that is threatened with extinction; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 377—An Act relating to public employees' retirement; providing that certain persons employed by units of local government are not eligible for membership in the public employees' retirement system; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 378—An Act relating to the University of Nevada System; requiring the board of regents to provide that semester credits may be earned without tuition charges or registration fees by certain persons who served in the crisis in the region of the Persian Gulf; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 379—An Act relating to public investments; prohibiting the public employees' retirement board and the board of regents from

investing money in banks or other companies doing business in or with the Republic of South Africa; requiring the divestiture of existing investments; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 202.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 207 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 85.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 8.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 1, by deleting lines 18 through 24 and inserting:

"375A.100 [1. Except as otherwise provided in subsection 2, a] *A* tax is hereby imposed on the transfer of the taxable estate of a [decedent who is a resident of Nevada] *:*

*1. Resident decedent* in the amount of the maximum credit allowable against the federal estate tax for the payment of state death taxes [.

2. The tax imposed by subsection 1 is reduced by the amount of any death taxes collected on the estate by another state.] *on all:*

*(a) Real and tangible personal property of the decedent, or any interest therein, having a situs in this state at the time of death; and*

*(b) Intangible personal property of the decedent, or any interest therein, within or outside this state or otherwise subject to the jurisdiction of this state at the time of death.*

*2. Nonresident decedent in the amount of the maximum credit allowable against the federal estate tax for the payment of state death taxes on:*

*(a) All real and tangible personal property of the decedent, or any interest therein, having a situs in this state at the time of death; and*

*(b) If the decedent is a nonresident of the United States, all intangible personal property, or any interest therein, in this state at the time of death, including all stock of a corporation organized under the laws of Nevada or which has its principal place of business or does the major part of its business in Nevada or of a federal corporation or national bank which has its principal place of business or does the major part of its business in Nevada, except:*

*(1) Savings accounts in savings and loan associations operating under the authority of the division of financial institutions of the department of commerce or the Federal Home Loan Bank; and*

*(2) Bank deposits, unless those deposits are held and used in connection with a business conducted or operated, in whole or in part, in Nevada.*".

Amend sec. 3, page 1, line 25, by deleting: "375A.035 and 375A.045 are" and inserting "375A.020 is".

Amend the text of repealed sections by deleting the text of NRS 375A.035 and 375A.045 and adding the text of NRS 375A.020:

"375A.020 *"Estate" and "property" defined.* "Estate" or "property" means the real or personal property or interest therein of a decedent or transferor, and includes:

1. All intangible personal property of a resident decedent within or outside this state or subject to the jurisdiction of this state; and

2. All intangible personal property in Nevada belonging to a deceased nonresident of the United States, including all stock of a corporation organized under the laws of Nevada or which has its principal place of business or does the major part of its business in Nevada or of a federal corporation or national bank which has its principal place of business or does the major part of its business in Nevada, except:

(a) Savings accounts in savings and loan associations operating under the authority of the division of financial institutions of the department of commerce or the Federal Home Loan Bank; and

(b) Bank deposits, unless those deposits are held and used in connection with a business conducted or operated, in whole or in part, in Nevada.".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblymen Spitler and Sader.

Assemblyman Sader moved that Assembly Bill No. 94 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:27 a.m.

## ASSEMBLY IN SESSION

At 11:35 a.m.
Mr. Speaker presiding.
Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 380—An Act relating to insurance; providing that no domestic insurer may reinsure with a group of alien insurers unless certain conditions are met; expanding the permissible investments of an insurer to include stock in its subsidiary corporation engaged in sales; authorizes insurer to own subsidiaries which may engage in business of sales; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 381—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for farm machinery and equipment; providing for the exemption of farm machinery and equipment from certain taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 382—An Act relating to property taxes; revising the provisions regarding the refund of property tax for senior citizens; revising the provisions regarding the renters' refund for senior citizens; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Jim Conkey.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Peggy Grimm, Barbara Sella and Mary Ann Quaglieri.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Debbie Davis.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Cary Yamamoto and Cameron Clarkson.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sarah Legg, Messrs. Tom Owens, Gary Glogovac and students from Procter Hug School: Stephanie Barnes, Jody Bendel, Heather Carson, Jae Choi, Andrew Cline, Matthew Forte, Shane Fortin, Irene Luna, Anne Manevy, Tandra Manley, Hilary Rasmussen, Adam Reinke, Albertina Smith, Deidra Sneed, Paul Therrien, Winston Tongol, Miduk Yoon, Eugene Arao, Shelley Bailey, Kent Beadle, Dan Bigrigg, Kiemmy Boc, Rhonda Brown, Alysia Carter, Isaac Cline, Brandon Cottey, Ortary Davila, Dereck Deason, Jerry Decker, Jason Evans, Leon Ferran, Jerry Findlay, Criselda Isip, Brian Kist, Jon Illyzek, Anoop Koshy, Brian Lausen, Julius Myers, Cindy Patz, William Peer, Leona Perry, Dung Phan, Stacey Poole, Andy Snyder, Ruth Spencer, Carmen Thomas, Ngan Vong, Matt Carr, Paulette Codding, Jennifer Agan, Jason Anderson, Jason Bailey, Paul Bernardy, Keith Brown, Jason Carthen, Mike Castaneda, Jeff Cooney, Rose Delaney, Joy Dismanodnarong, Cherish King, Carolyn Kruger, Cuong Ly, Jason McKee, Tyeson Muhlenberg, Danielle Petrull, Rayonda Roubieu, Wendy Smiley, Alan Snellbaker, Jeff Sullivan, Espe Tafoya and Damon Wilde.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Melinda Auten.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan Donohue.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ruth Petrak.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 6, 1991 at 11 a.m.

Motion carried.

Assembly adjourned at 11:41 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 6, 1991

Assembly called to order at 11:05

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, we thank You for another day of life and health to use to serve You, to acknowledge You as our God, to worship You as our Saviour, to serve Your people in our State of Nevada. We thank You for these men and women who are giving of themselves to help guide our government. Help us to appreciate the work these men and women do in committee, in offices and in this Assembly. May each of these government officials standing here now know of our appreciation for their continued dedication and sacrifice they make to serve in government. In the name of our Lord we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 145, 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 109, 128, 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 52, 67, 76, 83, 84, 97.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 50, 73, 77, 88, 90, 92, 93.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 23—Approving the State of Nevada Drought Plan.

Assemblyman Bergevin moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 383—An Act relating to criminal procedure; allowing a defendant in certain circumstances to enter a conditional plea of guilty or nolo contendere; authorizing an attorney for a defendant to issue subpenas for specified witnesses under certain circumstances; making other procedural changes; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 384—An Act making an appropriation to the legislative counsel bureau for the cost of remodeling the office building for legislative staff when the current tenant vacates the premises; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Giunchigliani, Wong, Anderson, Wendell Williams, Gibbons, Stout, Marvel, Carpenter, Bayley, Bergevin, Goetting, McGinness, Pettyjohn, Myrna Williams, Arberry, Johnson, Norton, Bache, Haller, Porter, Elliott, Gregory, Krenzer, Bennett, Callister, Spitler, Price, Petrak, Humke, Spriggs, Heller, Freeman, McGaughey and Dini:

Assembly Bill No. 385—An Act relating to the department of motor vehicles and public safety; requiring the director of the department to render certain services of the department at locations other than an office of the department; requiring the director to establish and collect a surcharge for rendering the services; requiring approval of the amount of the surcharge by

the chief of the budget division of the department of administration; requiring the director to report to the legislature the effect of rendering services at these locations; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Giunchigliani, Wong, Anderson, Wendell Williams, Gibbons, Lambert, Myrna Williams, Norton, Arberry, Bache, Sader, Haller, Gregory, Elliott, Bennett, Callister, Price, Petrak, Humke, Freeman, McGaughey and Dini:

Assembly Bill No. 386—An Act relating to education; requiring the establishment of a kindergarten in each elementary school or each school attendance area in a school district; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 50.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 52.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 67.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 73.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 76.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 77.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 83.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 88.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 90.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 92.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 93.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 97.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 147 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Porter moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a concurrent resolution honoring the troops in the Persian Gulf be requested and introduced by individual Assemblymen.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 115.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblymen McGaughey, Sader, Carpenter, Humke, Price, Scherer, Pettyjohn, Porter, Haller, Myrna Williams, Petrak and Anderson.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MCGAUGHEY:

Assembly Bill 204 requires national collegiate athletic associations to observe minimum procedural standards in proceedings involving member institutions in Nevada.

The bill states that the Legislature finds that these associations have substantial control over intercollegiate athletics in the United States, and that the imposition of sanctions may have a considerable effect upon the institutions affected and upon the careers of student athletes. Therefore, the Legislature requires that the proceedings of these associations meet minimum standards of due process.

The measure requires that all parties against whom sanctions may be imposed must be given an opportunity for a hearing. Proper notice of the hearing must be provided. Parties may be represented by counsel and are entitled to confront all witnesses and evidence against them and may call witnesses on their own behalf. At least 30 days before the hearing, all parties must be provided with the evidence which will be introduced at the hearing. Written statements introduced as evidence must be notarized and signed under oath. Proper records of the hearing must be kept and at the request of any party, oral statements made at the proceeding must be transcribed. The bill also sets forth the rules of evidence to be followed.

The person who presides over the hearing must be impartial and decisions must be rendered in a reasonable period of time which are supported by a preponderance of evidence. Any penalties which are imposed must be reasonable and consistent with those previously imposed on other institutions.

A national collegiate athletic association may not impose a sanction upon a Nevada institution or anyone associated with it, or bar an institution from competition unless it follows these procedural requirements. An association is also forbidden to threaten to sanction or impair the membership of an institution which seeks redress under the provisions of this measure.

In addition, the bill creates a cause of action if the procedural requirements are not followed. A district court may enjoin an association from violating the law and may award costs and reasonable attorney's fees to the successful plaintiff. An association is also liable for monetary losses sustained as a result of a penalty imposed in violation of these requirements.

This measure becomes effective upon passage and approval and applies only to proceedings or acts that take place after the effective date of this bill.

A.B. 204 doesn't address the innocence or guilt of any university dealing with the rules of the NCAA. What A.B. 204 does do is simply ask for fairness in how those rules are applied. In that college athletics are big ticket items in the country, they are a lot of money to the schools and that money is an important part of the university athletics budget. The careers of coaches and students alike are very important because most college students, the good ones, will go on to professional athletics so they have a very vested property right interest in what happens to them in their college education. All we want is that the rules be fairly applied to those students and those schools.

To give you a very sordid example of how the rules are not fairly applied, in 1984 Marist University of New York was charged with 14 violations. Those violations included buying milkshakes and hamburgers for recruits, driving them to the airport from the college campus, buy two of those recruits coats. It was a cold winter, a lot of these kids come from homes and economic situations where money is in very short supply. They also allowed them to phone their families to tell them they were okay. The total cost of these infractions was $773.20. That school was put on two years probation, two banned from intercollegiate post-season play and two years of limited scholarships.

In that same year of 1984, UCLA was charged with 10 violations, more serious violations than buying hamburgers. The total value of those was $2600. Within weeks after Marist was really hit heavy, UCLA didn't receive any sanctions, only a letter of censure and their basketball program continued on.

In the 1978 Congressional hearings—the problems with NCAA goes back many, many years—there were 11 witnesses that testified to the effect that there was total lack of regard by the NCAA for the accused of what it would do to the universities. They proved that beyond any doubt they were not interested in having a hearing that produced penalties based upon what they really were in the fairness of those penalties. The NCAA budget last year was $98 million. Their TV bill which brings in the revenue over the next year and a half is over one billion dollars. It is not a small organization. The property rights of these students and schools are at stake and their reputation as well and I think it is time to put the brakes on the NCAA's kangaroo court and I would ask you to please vote for this bill. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I have weighed the merits of this bill back and forth and I am going to vote against this bill and suggest the reasons for my opposition to you. However, I want to say up front that I think that there may be some real benefit that comes out of this bill as well, as I'm going to mention. It is just that it is an uncertain situation at this point and therefore I think fraught with great risk.

This bill deals with procedural safeguards, due process, creating state causes of action, all proscribing actions of the NCAA against athletic institutions in this state. As such, I think everyone of these standards are needed in relation to the NCAA because I believe the NCAA has abused its discretion and its authority in governing in athletic endeavors in institutions and there is not enough due process in the considerations of this institution. Nevertheless, my opposition relates to the fact that this is state legislation and it can only apply in one state. As such, there are several other states considering similar standards. These standards are invariably going to be different. We could have a situation where we have 10, 20, 50 different standards for the NCAA to have to deal with in the 50 different states. This is an untenable situation for an institution which by definition has to regulate national practices within athletic programs in institutions. I don't think any of us doubt the need for an organization like the NCAA, only the current way it is run. The potential for so many different standards and so many disparate methods of dealing with investigation of impropriety and the imposition of sanctions creates an untenable position.

This session, this issue should be dealt with nationally. It's the only way that this can be reasonably dealt with to rein in the NCAA so my opposition really is to the approach of state regulation in the first place. Now that is the detriments and the risk I see. The real risk, of course, is that Nevada will pass these kinds of provisions and then our institutions in this state will receive detrimental treatment from that through the process of NCAA. I

think that is a real potential threat to our institutions, a down side that we must consider in this bill. However, there might be an up side. The up side is that if enough states pass these kinds of regulatory provisions, I think it will force the NCAA or force the federal government to deal with the issue and that would be beneficial. If that happens then I think the sponsor of this bill will be seen as a great visionary with a fantastic piece of legislation. I hope that is the result. Nevertheless, the risk is also there and I fear the risk outweighs the benefit in this case.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. As you know the NCAA or whatever it is, they don't have any control of Elko yet but it seems to me as a citizen of this state that they really came down too hard on our university. I think that Nevada should be a leader in this kind of legislation hoping that the other states will follow suit. Really, I just wish they would let the Rebels play.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I share some of the same concerns that the Chairman of Judiciary expressed to this body. There are tremendous dangers. The effect of this bill if it passes and is signed into law could be that the NCAA could drop our institutions from membership and that would not be a very great outcome in the short term. However, I take a different approach. I feel that we need to put pressure on the other states and possibly upon the Congress to deal with this matter. The NCAA has extraordinary powers, probably greater than any institution in our society and we need to put this type of pressure on the other states. I will vote for this bill and will commit to any satisfactory uniform statute that comes down the pike. Alternatively, if Congress acts in this area, I think that their action has got to be superior to the current NCAA type of action in these matters. I would like to illustrate a point if I might and go to item of business 15. Thank you, Mr. Speaker. The problem in this country with Nevada institutions is not restricted to the perception of the NCAA. I would just illustrate this point by relating a personal incident. Last Sunday I was watching the CBS Sunday morning program. Charles Kurault typically does a few sports highlights at the outset of the program and he said, "UNLV, a pro-team which happens to play college basketball, won their game last night." It's that type of perception that frankly encourages the NCAA to do what it does. Thank you, very much.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of Assembly Bill 204 and I do know that, and it hasn't been mentioned, there are some other states at least that have begun this process because I recall at one of our NCSL meetings last year speaking to legislators who were introducing this kind of legislation at that point in time. It would seem to me that there should be no organizations, particularly organizations of the size and scope of this one, who should conduct their business particularly when that business deals with the lives and futures of students in an arbitrary manner as they have done for many years. While I recognize the risks that have been articulated by my colleagues, I see no problem if the need be and apparently it is to proceed on a state-by-state basis. There are many pieces of legislation that pass through this legislature over the years whereby problems are dealt with on a state-by-state basis. To refresh your memory one of the major pieces last year had to do with punitive damages which only yesterday the Supreme Court of the United States ruled, belonged in the state legislatures and not at the national level. This may again be one of those types of issues. I strongly support this, and I congratulate our colleague for having the bill drafted. I hope that it accomplishes the goal that we have, and if it doesn't then we will come back and look at something else.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker, to you and through you to our esteemed minority leader, I would like to ask a question and that is would this bill in any way affect current ongoing investigations?

ASSEMBLYMAN MCGAUGHEY:

To you and through you. No, it will not, and the last section of the bill, Section 16 provides specifically that the bill will only address incidents that happen, or come to light, after the effective date of the bill.

ASSEMBLYMAN SCHERER:

Thank you, very much. The reason I ask is because one of the members of the firm with which I am associated represents certain individuals, not the university, involved in an ongoing investigation. In light of the fact that this bill will not affect that representation in any way I don't see that I have a conflict of interest on it. I would in that case like to ask another question if I may, Mr. Speaker, and that is this, to you and through you again to our minority leader. Did the university officials appear before the committee and testify either for or against this bill?

ASSEMBLYMAN MCGAUGHEY:

To you and through you, Mr. Speaker. No, the university officials did not and they did not appear at my request. I didn't think that because of the ongoing investigations now and the problems the university is having with the NCAA that they should become involved in the processing of this bill. This bill is, under the purview of this body, it's our fight. It is our job in this body to see that everyone in our state is treated fairly by everyone else, all of our citizens, our businesses, our schools, and everyone else, so they are not party to this. I might read Section 16 which clears that up. "This act becomes effective upon passage and approval and applies to any proceeding of a National Collegiate Athletic Association regarding an act or omission which occurred after the effective date of this act."

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in favor of this bill and it is my instinct that there are, in fact, a large number of states and other institutions throughout this country that perhaps feel the same way we feel as expressed in this particular bill. I believe that the objectives of this bill are very broad and long range and will have great impact upon the intercollegiate activities of this country. I believe that we should not be intimidated by the threat of a bully, and that may be a little harsh when we are speaking of the institution which we are aiming these remarks at in this bill. To think that we might incur some kind of penalties if we are willing to speak out is a little bit, I think, timid because we have already been struck down. We have already had sanctions placed against us for actions which have been considered to be rather minimal in their severity, but the sanctions have been severe. I think we would be in fact indicating to the rest of the country that we have the courage to take on this challenge and speak our mind and I believe there will be other states that would be willing to follow this example. Often a fight is begun with the first battle or the first one out of the block or the first institution that is willing to step forward and take the heat from such an action. I believe it is correct that Nebraska has already passed a bill. They have come under some kind of review, I am sure, by the NCAA. I believe that we are, in fact, taking a stand here that is admirable and justified which will in fact serve notice to the national leaders that there are concerns throughout the country. They may be willing to take recognition of this and there will be other states that will step up to this by taking the same kinds of action that we are willing to take in this body. Thank you, Mr. Speaker.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I simply wanted to state, as Mr. Scherer has, that my partner has also represented a percipient witness in an ongoing investigation along with individuals from Mr. Scherer's firm. However, because of the reasons he expressed, and the nonapplication of this bill to that ongoing investigation I will also be voting in favor. Thank you, Mr. Speaker.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in support of this bill and would remind the members, even though the member from Elko didn't feel, I suppose, that it involved Elko, I think this involves the whole state. We have had some experiences in the North that you may recall having to do with some restrictions on our football team and this is a Washoe County bill, this is a Nevada bill, this is an American bill. I would urge your support.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. The NCAA's home office is in the State of Kansas. That's where they are incorporated and that's where they operate from. A couple of days ago I got a call from a staffer in Kansas, the staffer to Senator Winters, and he asked me how our bill was proceeding and informed me that they, the home state, have a bill dealing with the NCAA sponsored by Senator Winters. It is Senate Bill 234. I have a copy. There are two parts, I would like to read to you. "In addition to requiring the NCAA to follow due process in the State of Kansas, they are also requiring that they afford due process to every university in the United States." In the bill, Section 3, "That any proceeding which result in the imposition of a sanction or penalty for violation of a rule of an athletic association, no such sanction or penalty may be imposed by the athletic association on any educational institution located in the State of Kansas or located outside the State of Kansas, etc." The penalty for not affording due process to the schools outside of Kansas is this, Section 8 of the bill, "Any athletic association found guilty of violating this act is also liable for the cost litigation, expenses of attorney fees of any party prevailing against it and such athletic association shall be subject to revocation and recision of ad valorem tax exemption on any property owned by such athletic association or its parent holding company including exemptions granted from the date of violation to and including the tax which would have been due commencing in the calendar year of 1989." I would say that the State of Kansas is not under investigation and yet the State of Kansas and their legislative body is as concerned about the out-of-control NCAA as the State of Nevada is and the State of Nebraska. Six or seven other states have attempted to process the bill, there are probably 15 right now, and I would say all of these states wouldn't be taking up the time to process the bill if there wasn't fire behind all that smoke. As far as this Legislature feeling, if we do something we will be banned from the NCAA or expelled. The flag over there says "Battle Born." Nevada is a "Battle Born" state. I don't think that we have ever in this body stood here timid in our response to the needs of our people and our businesses. We've always been strong. We've handled lots of tough issues in this body and if we make a mistake, we will take care of that as it comes. I think the mood of the country is that the NCAA is not doing right and that the NCAA hopefully will reform itself and then even though the laws hopefully are on the books, they won't have to be used. Thank you.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support. I would like to associate myself with the remarks of the Minority Leader. He said something else that is important to us as Nevadans when he talked about the comment made by Mr. Kurault. Most of us in this room have children that have been raised in this state, grandchildren that are being raised in this state. We know what a fine place Nevada is to live in. We have been slandered by the NCAA. The perception of Nevada is certainly one that people are not looking up to. While it may inspire tourists to come for what may be a thrill in the State of Nevada, we've got so much more to offer. I think we are entitled to respect. I don't think the NCAA has shown us respect. I think they discriminated against us based on perception. For those reasons, for Mr. McGaughey's reasons, I certainly urge your vote on behalf of this bill.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I happen to be from Ohio and back in the late 70's and early 80's, the NCAA destroyed the basketball program of Cleveland State University. The petty articles that they used to justify their action, to a lot of us back at that time just were inconceivable, it just couldn't happen, but it happened. I've watched their actions throughout the years on different cases like that and I read the newspaper here two weeks ago about Nebraska adopting similar legislation. I think that we should stand up and be counted with regard to this bully that seems to be over the nation. I completely support A.B. 204, Mr. McGaughey, and your action on this. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also want to rise in support. I did not have the opportunity to sign on this particular bill but I clearly have an interest in it. I think in dealing with young people and knowing the outcome of the NCAA and how it is viewed, Nevada does indeed

suffer from an image problem. Those people would like to throw stones at our state constantly without understanding what we're all about. If nothing else we do, indeed, we must provide at all times due process. The questions of whether we have and do provide due process for all of our citizens, a continuing process needs to be firmly stated here in this state. If no where else, NCAA should recognize that in Nevada they must go through the hoops. The question is of freedom of speech, if we are indeed afraid of speaking, we have lost the golden opportunity of democracy and I don't believe we can ever be intimidated by that under any circumstances. I wish to associate my remarks with those of the Minority Leader.

Roll call on Assembly Bill No. 204:

YEAS—40.

NAYS—Sader.

Not voting—Wendell Williams.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 24.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Oscar Tejedor.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shelley Berkley.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Grogan.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Gust Proutsos, Ms. Denise Hedrick and students from Procter Hug High School: Katrina Anderson, Rudy Anderson, Brenda Arneson, Chris Arrabito, Steffani Bader, Marcia Banks, Sylvia Barney, Tamara Campbell, Michael Delacruz, Kerry Ditchey, Ron Dodd, Scott Finley, Angela Gillaspy, Guillermo Gomez, Kristin Gormley, Chris Hilsenbeck, Patricia Jordan, David Kahlbaugh, Shawn Lady, Sharon Manning, Heather McCutcheon, Mike McEwen, Suzanne McNeff, Jennifer Morrison, Kevin Passow, Scott Peterson, Michael Purcell, Misty Roath, Jennifer Romero, Danielle Simpson, Bryan Singleton, Kendra Smith, William Stevenson, Mickey Timmons, Pablo Valencia, Charles Yates, Jason Cudworth and Connie Lucido.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Glenn.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Norman Christensen.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Ray Goldsberry, Ron Taylor, Mss. Nicole Allan and Eleanor Dominguez.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 7, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 7, 1991

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, please give to these men and women of the Nevada State Assembly accomplishments that will reward them for their long hours of service to the citizens of our state. May each one of these Assembly men and women find inner satisfaction of a job well done at the end of each day. Help them to make progress toward the goals they have set. Give them, I pray, Your strength in body, soul and spirit. Bless their families as together they make this sacrifice to serve us. In Jesus' name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 71, 313; Senate Bills Nos. 64, 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 328; Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 203, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Concurrent Resolutions Nos. 5, 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 9, 65, 99.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 28 of the 65th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 3, 102, 125, 217, 220.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 35, 103, 114, 118.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 18, 25.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Arberry, Evans, Myrna Williams, Price, Anderson and Sader:

Assembly Joint Resolution No. 10—Urging Congress to adopt the proposed Family and Medical Leave Act of 1990.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Myrna Williams, Evans, Price, Anderson and Sader:

Assembly Joint Resolution No. 11—Urging Congress to adopt the proposed Pay Equity Technical Assistance Act.

Assemblyman Arberry moved that the resolution be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Marvel, Dini, Evans, McGaughey, Anderson, Petrak, Stout, Carpenter, Garner, Hardy, Little, Elliott, Heller, Humke, Bergevin, Spitler, Spriggs, Sader, Norton, Giunchigliani, Freeman, Goetting, Lambert, McGinness, Haller, Bache, Pettyjohn, Bayley, Scherer, Myrna Williams, Bennett, Gibbons, Wong, Krenzer, Johnson, Kerns, Wendell Williams, Gregory, Price, Arberry, Callister and Porter.

Assembly Concurrent Resolution No. 24—Memorializing Valmy pioneer, Eugene DiGrazia.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the recent passing of Eugene DiGrazia on November 30, 1990; and

WHEREAS, Eugene DiGrazia was born on May 4, 1913, in Sparks, Nevada, and grew up in Battle Mountain where his father was foreman of the railroad section crew; and

WHEREAS, When Mr. DiGrazia was only 19 years old he purchased the small town of Valmy, which consisted of a gas station, an auto court, an abandoned railroad shack and a grocery store with a post office in the rear; and

WHEREAS, Eugene DiGrazia was appointed postmaster of the Valmy Post Office on February 15, 1935, and held this position for 56 years, including the 3 years he served before his appointment at age 21, which gave him the distinction of being the longest-serving postmaster in the West and the third longest-serving in the nation; and

WHEREAS, Eugene DiGrazia was a charter member of the Nevada NAPUS Chapter, a member of the Chamber of Commerce, Lions Club, P.T.A., and Knights of Columbus and a Lay Reader for St. John Bosco Catholic Church; and

WHEREAS, In addition to driving the school bus to Battle Mountain twice daily for 34 years without an accident or a flat tire, Mr. DiGrazia found the time to write a column "The Valmy Badger" for the Battle Mountain Bugle; and

WHEREAS, Eugene DiGrazia lived his life fully and this Valmy pioneer will long be remembered for his zest for living and his love for Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature offers its heartfelt condolences to Eugene DiGrazia's wife of 46 years, Julia, and to their two sons, Dr. Peter DiGrazia, a dentist in Reno, and Gary DiGrazia, an attorney in Elko; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Julia DiGrazia.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Carpenter, Callister and Anderson.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. To you and through you and to this honorable body. I don't think we can say in a resolution or what I can say that will really and truly depict the life and the contributions of Eugene DiGrazia. His life was a success story. As the resolution stated he bought the town of Valmy, but this was during the great depression of the 30's, when he was 19 years old. Now if any of you don't know where Valmy is, its between Mote and Stonehouse. Eugene's life is really a success story. As the resolution stated, Eugene was the youngest postmaster ever appointed. As a matter of fact, when he was 19, he had to serve as acting postmaster until he was 21 and then he was appointed by Gene Farley who was Postmaster General. I think there are a few of us left that remember that he lived to be the third longest serving postmaster in the United States. Not only was Eugene an astute business man, he was a doer, a goer and he just wasn't happy to be at home. He had to be involved in things. He was an ardent booster of the schools, he was active in Lionism, he was active in the Knights of Columbus, he was a member of the Chamber of Commerce, director of senior citizens and was very active in the postal associations. Eugene was also an avid hunter as his son, Peter, will attest. He always brought home the bucks even though it was the day before season opened. You know, Valmy, Eugene and Julia brought a lot of national attention. They have been written up in several national periodicals and at the unfortunate demise of Eugene, he was being scheduled to appear on the Johnny Carson Show, so that shows you the kind of national attention the DiGrazia family received. Eugene did not know what adversity was. He had several pacemaker implants which would probably slow up the ordinary man. To have known Eugene, you would have thought he had a turbo charger implanted because his motto was go, go, go, and he did. To me, Eugene is the epitome of what I think a man should be—a loving husband of 50 plus years, a very proud father and grandfather, and certainly a very sincere friend, and above all, a very dedicated public servant. Now if anybody in this audience, in this chamber today feels depressed, I would say that reflects the life of Eugene DiGrazia as he was one person that achieved the great American dream. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of the resolution. I first met Eugene DiGrazia many years ago in the Knights of Columbus. The thing that I remember the most about him was that he was always smiling. He wouldn't say anything about anyone unless it was favorable. He was a great man. He did a lot of great things in his community, for Battle Mountain, Elko and the State of Nevada. He also leaves a great legacy. His son Peter, was and maybe still is, the Chairman of the Health Board here in Nevada. His son, Gary is a very good attorney in Elko, and if you want to get anything done, you go see Gary

DiGrazia and he will get it done for you. To his sons and his daughters-in-law and grandchildren, he was a great man and I'm sure he will be remembered by all of us for a long time. Thank you.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. It is odd that I would rise to support this resolution or happen to have the pleasure of making Mr. DiGrazia's acquaintance. I've heard about him through an odd combination of events. I've driven that lonely highway and seen his gasoline station and oddly enough for those who aren't aware, that gasoline station graced the cover of a Bruce Springsteen album. For that reason I rise in support of this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I had the great pleasure of knowing Mr. DiGrazia as a member of the Knights of Columbus. He is the type of unique individual who has indeed been an inspiration to a wide number of people obviously from the age of 19 on. The kind of leadership that he has shown, the kind of courage in facing real problems and situations and encouraging other people to participate in the community is in the highest ideals of Nevadans and what we all stand for.

Resolution adopted unanimously.

Assemblyman Marvel moved that all rules be suspended and that Assembly Concurrent Resolution No. 24 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Norton, Dini, Porter, Heller, Hardy, Scherer, Bayley, Anderson, Pettyjohn, Haller, McGinness, Spitler, Humke, Spriggs, Giunchigliani, Marvel, Petrak, Garner, Wong, Bache, Goetting, Gregory, Kerns, Krenzer, Arberry, Evans, Callister, Price, Sader, Little, Johnson, Bennett, Carpenter, Lambert, Myrna Williams, Elliott, Bergevin, Freeman, Stout, McGaughey, Gibbons and Wendell Williams:

Assembly Concurrent Resolution No. 25—Commending the troops of the United States and the reservists from Nevada upon their return from their participation in the Persian Gulf War.

WHEREAS, The occupying forces of Iraq, under the demented control of Saddam Hussein, plundered, terrorized and destroyed the nation and people of Kuwait; and

WHEREAS, Iraq mocked and evaded the resolutions of the United Nations Security Council calling for the restoration of the rightful government of Kuwait; and

WHEREAS, Pursuant to the direction of the United Nations, the allied United States Armed Services, the British and French forces and the Pan-Arab forces initiated a ground assault against the occupying army of Iraq in Kuwait on February 24, 1991, in the face of possible chemical and biological attack; and

WHEREAS, Within 100 hours after they began the assault, the allied forces rapidly and successfully routed the Iraqi forces and liberated Kuwait on February 27, 1991; and

WHEREAS, More than 400 Nevadans, including members of the Army Hospital Unit from Reno, the Marine Corps Reconnaissance Unit from Stead, the 72nd Military Police Company from Las Vegas and Ely and the 152nd Tactical Reconnaissance Group of the Nevada Air National Guard and other members of the Air Force, Army, Marine Corps and Naval Reserves participated in and supported the allied offensive; and

WHEREAS, Patriotic reservists from Nevada temporarily sacrificed their civilian lives and set aside their personal and family obligations to uphold the honor of our great nation for the selfless aid of others; and

WHEREAS, President Bush, as Commander-in-Chief, and his military commanders, General Colin Powell, Chairman of the Joint Chiefs of Staff, and General H. Norman Schwarzkopf, in their collective prowess, have brought about the capitulation, defeat and destruction of the Iraqi war machine while minimizing casualties among Iraqi civilians; and

WHEREAS, A cease fire has been imposed in the Persian Gulf region, bringing the return of peace and stability to Kuwait and providing for the imminent return of our troops home to Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature commends the noble, selfless and heroic efforts of our servicemen and women; and be it further

RESOLVED, That the Nevada Legislature offers its prayers to the families who lost loved ones in this conflict; and be it further

RESOLVED, That the Nevada Legislature offers its prayers for the speedy recovery of the servicemen and women wounded in the conflict; and be it further

RESOLVED, That the Nevada Legislature offers its best wishes for success to our Nevada reservists in their return to civilian life; and be it further

RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Adjutant General of the Nevada National Guard and the commanding officer of Nellis Air Force Base.

Assemblyman Norton moved the adoption of the resolution.

Remarks by Assemblyman Norton.

Resolution adopted unanimously.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 26—Directing the Legislative Commission to conduct an interim study concerning the establishment of a policy and procedure for the naming of state buildings.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 5.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted.

Senate Concurrent Resolution No. 6.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted.

Senate Concurrent Resolution No. 18:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Concurrent Resolution No. 25.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblymen McGinness, Anderson, Sader and Haller.

Resolution adopted.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 387—An Act relating to industrial insurance; requiring the state industrial insurance system to establish an index of claims for compensation; requiring the executive director of the employment security department to provide certain information to the manager of the state industrial insurance system; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 388—An Act relating to industrial insurance; requiring the department of industrial relations to develop standards for the medical care of employees with industrial injuries or occupational diseases; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 389—An Act relating to unemployment compensation; providing that benefits are payable to certain additional aliens in accordance with federal law; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 390—An Act relating to juveniles; making mandatory the existing provision authorizing the suspension of the driver's license of any juvenile who is convicted of certain crimes relating to alcohol or controlled substances; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Krenzer, Wong, Scherer, Heller, Anderson, Freeman, McGaughey, Elliott, Johnson, Giunchigliani, Myrna Williams, Callister, Petrak, Gregory, Bennett, Kerns, Wendell Williams, Little, Gibbons, Arberry, Norton, Carpenter, Pettyjohn, McGinness, Porter, Humke, Haller, Evans, Marvel, Stout, Garner and Spriggs:

Assembly Bill No. 391—An Act relating to industrial insurance; revising the definition of permanent physical impairment for the purpose of charging compensation to the subsequent injury fund; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Krenzer, Wong, Scherer, Heller, Anderson, Freeman, McGaughey, Elliott, Lambert, Bergevin, Johnson, Spitler, Giunchigliani, Myrna Williams, Porter, Callister, Gregory, Bennett, Petrak, Little, Gibbons, Arberry, Norton, Carpenter, McGinness, Pettyjohn, Bache, Humke, Haller, Evans, Marvel, Stout, Garner and Spriggs:

Assembly Bill No. 392—An Act relating to industrial insurance; requiring the board of directors of the state industrial insurance system to develop and cause to be carried out standards of performance to improve the service and efficiency of the system; requiring the board to report to the 67th session of the Nevada legislature concerning those standards; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Wendell Williams, Dini, Gibbons, Arberry, Porter, Bayley, Norton, Carpenter, Anderson, Petrak, Hardy, Gregory, Johnson, Elliott, Sader, Scherer, Price, Humke, Heller, Bache, Pettyjohn, Giunchigliani, Spitler, Haller, Spriggs, Kerns, Wong, Bennett, Evans, Krenzer, Stout, Garner, Little, McGinness, Goetting, Bergevin, Myrna Williams, Freeman, Callister, Marvel and McGaughey:

Assembly Bill No. 393—An Act relating to the University of Nevada System; requiring the board of regents to provide that semester credits may be earned without tuition charges or registration fees by certain persons who served in the crisis in the region of the Persian Gulf; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 3.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 35.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 102.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 103.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 114.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 118.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 217.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 220.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 109.

Bill read second time.

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

Amendment No. 87.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 3, page 2, line 17, by deleting "*his*" and inserting "*the chief deputy's*".

Amend sec. 3, page 2, by deleting line 44 and inserting: "*pursuant to this section serves the remainder of the unexpired term.*".

Amend the title of the bill, first, second and third lines, by deleting: "authorizing the commencement of an action to determine the physical or emotional fitness of a district attorney to perform the duties of his office;".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 128.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 99.
Amend sec. 2, page 2, line 21, after "filing." by inserting: "*A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission.*".
Assemblyman Bergevin moved the adoption of the amendment.
Remarks by Assemblyman Bergevin.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 148.
Bill read second time, ordered engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 289 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Sader.
Motion carried.

Assemblyman Humke moved that Assembly Bill No. 207 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Humke.
Motion carried.

Assemblyman Garner moved that Assembly Bill No. 148 be placed on the Chief Clerk's desk.
Remarks by Assemblyman Garner.
Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 167.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 73.
Amend section 1, page 2, by deleting lines 8 and 9 and inserting: "*written citations on persons in areas serviced by the water district who are accused of violating any provisions of this act or any ordinance related to the waste of water which is adopted by a local government within the service area of the district. An employee designated pursuant to the paragraph shall*".

Amend the title of the bill, second line, by deleting "act;" and inserting: "act and certain local ordinances;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 197.

Bill read second time.

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

Amendment No. 109.

Amend section 5, page 2, line 10, by deleting "*3,300*" and inserting "*6,000*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Joint Resolution No. 8.

Resolution read second time, ordered engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 103.

Amend section 1, pages 1 and 2, by deleting lines 1 through 25 on page 1 and lines 1 through 21 on page 2 and inserting:

"Section 1. NRS 463.335 is hereby amended to read as follows:

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

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

(b) Maintain confidential records of such information.

2. No person may be employed as a gaming employee unless he is the holder of:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or

(b) A work permit issued by the board, if a work permit is not required by either the county or the city.

3. A work permit issued to a gaming employee must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

4. Whenever any person applies for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and

may at the discretion of the county or city licensing authority issue a temporary work permit. If within 90 days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a work permit to the applicant. Any holder of a work permit must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment.

5. If the board, within the 90-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

6. Application for a work permit, valid wherever a work permit is not required by any county or city licensing authority, may be made to the board, and may be granted or denied for any cause deemed reasonable by the board. Whenever the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application.

7. Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded and precludes administrative or judicial review. At the hearing, the board or any designated member of the board or an examiner appointed by the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 30 days after the date of the hearing announce its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose, misstated or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

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

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

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

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

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

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

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

9. [All] *Except as otherwise provided in this subsection, all* records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. *Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board.* Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

10. A work permit expires unless renewed within 10 days after a change of place of employment or if the holder thereof is not employed as a gaming employee within the jurisdiction of the issuing authority for more than 90 days.

11. Notice of any objection to or denial of a work permit by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The

notice is presumed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

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

Amend the title of the bill, first and second lines, by deleting: "Nevada gaming commission to provide for the disclosure of" and inserting: "state gaming control board to disclose".

Amend the summary of the bill, first line, by deleting: "Nevada gaming commission to provide for disclosure of" and inserting: "state gaming control board to disclose".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 96.

Amend sec. 2, page 2, between lines 15 and 16 by inserting:

"*(g) A certified nursing assistant;*".

Amend sec. 2, page 2, line 16, by deleting "*(g)*" and inserting "*(h)*".

Amend sec. 2, page 2, line 17, by deleting "*(h)*" and inserting "*(i)*".

Amend sec. 2, page 2, line 18, by deleting "*(i)*" and inserting "*(j)*".

Amend sec. 2, page 2, line 19, by deleting "*(j)*" and inserting "*(k)*".

Amend sec. 2, page 2, line 20, by deleting "*(k)*" and inserting "*(l)*".

Amend sec. 2, page 2, line 21, by deleting "*(l)*" and inserting "*(m)*".

Amend sec. 2, page 2, line 22, by deleting "*(m)*" and inserting "*(n)*".

Amend sec. 2, page 2, line 23, by deleting "*(n)*" and inserting "*(o)*".

Amend sec. 2, page 2, line 24, by deleting "*(o)*" and inserting "*(p)*".

Amend sec. 2, page 2, line 25, by deleting "*(p)*" and inserting "*(q)*".

Amend sec. 3, page 2, by deleting lines 33 and 34 and inserting:

"*(b) Must include at least one representative of the general public; and*

*(c) Must include not fewer than 2 nor more than 15 providers of health care.*".

Amend sec. 6, page 3, by deleting lines 13 through 16 and inserting:

"Sec. 6. *1. Any person or board which has reasonable cause to believe that a provider of health care is impaired may request a committee or other person under contract with the respective board to examine the provider.*

*2. Upon receipt of such a request, the committee or other person under contract:*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 94 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 115 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Porter moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1901), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Porter.

Roll call on Assemblyman Porter's motion:

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 85.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 85:

YEAS—42.

NAYS—None.

Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker made the following announcement:

I have a message here. We adopted the resolution concerning the war and we are happy but this is the first and only known injury of a service personnel from the State of Nevada: Marine Lance Corporal Robert Marquardt of Carson City sustained a hand and arm injury by a grenade thrown by a radical while he was protecting another individual yesterday.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lonnie Karges, Dottie Chance and students from Bethlehem Lutheran School, Carson City: Gary Brooks, Amanda Carlisle, Barry Chance, Sarah Collins, Jennifer Demel, Lori Haas, Jenessa Johns, Stacie Larson, Justin Lombardo, Paul Fischer, Alisha Halen, Erik Koelzer and Nathon Schnaible.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to students from Reno High School: Trent Averett, Clint Cavanaugh, Theresa Cho, Mike Conder, Debbie Liston, Katva Estes, Matt Goedert, Jenn Goldsmith, Miguel Gomez, Ryan Hall, Kevin Horan, Wendy Horsley, Thyra Knutson, Edward Krause, Lori Lindesmith, Zander Lurie, Tara Moore, Amber Priestley, Jenny Pruett, Tom Prutzman, Yelena Pyatov, Lynwood Read, Luann Schweitzer, Kong Shang, Jouni Viitanen, Wendy Brewer, Susan Davis, Holly Kinney, Shawn Gelly, Fabiola Aguilar, Ryan Dixon, Andy Ebner, Don Humphreys, Karen Kuske, James Leonesio, Mike Miller, Katie Mills, Jarrett Rosenau, David Solaro, Ron Souza, Samantha Stinchfield, Jason Thompson, Jon Waite, Kelly Waite, Brandon Wirth, Kristie Wittock, Gina Dingacci, Brian Dziminski, John Brashner and Shelli Zundel.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Julia DiGrazia, Mr. Pete DiGrazia, Mrs. Susan DiGrazia, Mr. Gary DiGrazia, Mrs. Lenora DiGrazia, Ms. Susan DiGrazia and Mr. John DiGrazia.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 8, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 8, 1991

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, accept our thanksgiving for another week You have given to us. Thank You for the wisdom, strength and love that has been ours this week. Thank You for the accomplishments of the men and women of this Assembly as they have served faithfully for another week. Reward them, I pray, with a restful weekend with their families, friends and with You. In Jesus' name, I pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 116, 117, 172; Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 74; Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 44, 60, 332; Senate Bills Nos. 63, 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 115 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 70, 106.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 24.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 20, 25, 32.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 14, 26.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblyman Wong.

Roll call on Assembly Bill No. 145:

YEAS—42.

NAYS—None.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Joint Resolution No. 8:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

COMMUNICATIONS

Mr. Speaker requested that the following letter regarding the son of Sally Dunfield, Assembly Supervisor of Bill Clerks, be read into the Journal.

17 February 1991

MR. WILFORD E. DUNFIELD, 630 W. Spear St., Carson City, Nevada 89703

DEAR MR. DUNFIELD:

As you know, your son, Bob, is serving in the G-2, Third US Army. We are really pleased that Bob is here with us. He has already made a positive impact, through his leadership and professional experience. This fight we are in is a major historical occasion, one which is crucial for our country. The soldiers of Third US Army know that, and they will give all they have. Sir, I know this is an historic occasion also for your family. You served courageously on the G-2 staff at Third Army in World War II, and now Bob is with this fine outfit. I send my sincere congratulations and gratitude for your past service and current family sacrifice in the 1990's Gulf War.

Sincerely,

JOHN F. STEWART, JR.
*Brigadier General,*
USA Assistant Chief of Staff, G2

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7.

Resolution read.

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

Amendment No. 111.

Amend the resolution, page 1, by deleting lines 8 through 10 and inserting: "Natural Resources is hereby directed to conduct a study of the desirability and feasibility of a program through which water credits would be provided to the holder of a water right whose efforts result in the conservation of water; and be it further

RESOLVED, That the Director hold public hearings during the course of the study and report the results of the study and any recommended legislation to the 1993 Nevada Legislature; and be it further".

Amend the title of the resolution, second line, by deleting: "develop and adopt" and inserting: "study the desirability and feasibility of".

Amend the summary of the resolution, second line, by deleting "develop" and inserting: "study desirability and feasibility of".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Joint Resolution No. 6:

Assemblyman Evans moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Concurrent Resolution No. 14:

Assemblyman Evans moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 26.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 20.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 25.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 32.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 79.

Amend sec. 2, page 2, by deleting line 45 and inserting: "tions of the master, [unless reversed or modified by an order of the court,] *upon approval by the court evidenced by signature,*".

Amend the title of the bill, third line, after "court;" by inserting: "requiring court approval of a juvenile master's findings and recommendations as a condition of effectiveness;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 147.

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

"Sec. 7. This act becomes effective upon passage and approval.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 139.

Amend sec. 4, page 1, line 18, after "to the", by inserting: "interim finance committee, if the legislature is not in regular session, or to the".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 118.

Amend section 1, page 1, line 16, by deleting "*before*" and inserting "*after*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 78.

Amend section 1, pages 1 and 2, by deleting lines 20 through 26 on page 1 and lines 1 through 9 on page 2 and inserting: "for the injured or ill person. [This section does not excuse a physician or nurse from liability for damages resulting from his acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.]

3. As used in this section [, "emergency] :

*(a) "Emergency* medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS.

*(b) "Gratuitously" means without receipt of any compensation at or after the time of the rendering of the emergency care or assistance.*".

Amend the title of the bill to read as follows:

"An Act relating to emergency medical services; extending limitation of liability to certain providers of health care who render gratuitous emergency care in a medical facility; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Extends limitation of liability to certain providers of health care who render gratuitous emergency care in medical facility. (BDR 3-418)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 328 be re-referred to the Committee on Judiciary.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 354.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 116.

Amend section 1, page 1, line 3, by deleting "*50,000*" and inserting "*40,000*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 70.

Amend section 1, page 1, line 9, by deleting "*$5,000*" and inserting "*$10,000*".

Amend sec. 2, page 2, line 27, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 2, line 32, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 2, line 34, by deleting "*$5,000,*" and inserting "*$10,000,*".

Amend sec. 2, page 2, line 38, by deleting "*$5,000,*" and inserting "*$10,000,*".

Amend sec. 2, page 2, line 42, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 2, line 44, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 2, line 47, by deleting "*$5,000*" and inserting "*$10,000*".

Amend sec. 2, page 3, line 3, by deleting "*$5,000*" and inserting "*$10,000*".

Amend sec. 2, page 3, line 6, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 3, line 9, by deleting "*$5,000.*" and inserting "*$10,000.*".

Amend sec. 2, page 3, line 12, by deleting "*$5,000.*" and inserting "*$10,000.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Senate Bill No. 65 be re-referred to the Committee on Judiciary.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Senate Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 117.

Amend sec. 2, page 1, by deleting line 15 and inserting: "filed before the effective date of this act.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 9, 65, 99; Assembly Joint Resolution No. 28 of the 65th Session.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Wayne Cobb and students from the Church Academy.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to students from Washoe High School, Reno: Mandy Smith, Mindy McDowell, Rose Kinney, Jenny Riggins, Jennifer Bruns, Vanassa Force, Coell Wlodarczyk, Caydia Terry, Shawn Mullen, Chris Anderson, Melanie Branham, Christine Kratzer, Marlane Johnson, Danitra Goble, Jennifer Gulnac, Jason Talkington, Dennis Dyer, Leticia Hannah, Hope Williams and Staci Vincent.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jody Fassett, Mary

Jane Fulgham, Mr. Ken Seeley and students from Esmeralda County School, Goldfield: Heather Baird, Christine Conway, Amber Cox, Chris Elsea, Andy Hafer, April Harris, Heather Kenser, Kristin Kowalski, Robert Scott, Laina Zacharias, Quentin Armstrong, Steve Dodson, Bryan Greager, Eva Hoffman, Jodi Hoyt, Michael Jasmann, Bryan Johnson, Kacie Mulhern, Shannon Scott, Charissa Sheppeard, Jason Daniels, Robert Dowers, Gerardo Guerrero, Sharman Michelson, Maggie Rivera, Matt Johnson and Wesley Penson.

Assemblyman Evans moved that the Assembly adjourn until Monday, March 11, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTIETH DAY

CARSON CITY (Monday), March 11, 1991

Assembly called to order at 11:16 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

Eternal God, remove from us the skepticism that has come to blight our faith and make it weak. Bring us back to a faith that makes persons great and strong, a faith that enables us to love and to live, the faith by which we are triumphant, the faith by which alone we can walk with You. We pray for a return of that simple faith, that made strong and great the homes of our ancestors who built this good state and who in building it left us our heritage. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 272, 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 219, 269, 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 25.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 9.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7.

Assemblyman Bergevin moved the adoption of the resolution.

Remarks by Assemblyman Bergevin.

Resolution adopted.

Senate Concurrent Resolution No. 9:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 19:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Scherer moved that Senate Bill No. 131 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 207 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Humke.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 44.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 60.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

Amend sec. 2, page 1, line 4, by deleting "*12,*" and inserting "*9,*".

Amend sec. 3, page 1, by deleting lines 6 and 7 and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 4, page 1, lines 8 and 9, after "*eight horses*" by inserting "*per heat*".

Amend sec. 6, page 1, lines 11 and 12, after "*eight horses*" by inserting "*per heat*".

Amend sec. 8, page 1, by deleting lines 16 and 17 and inserting:

"Sec. 8. *"Heat" means one of several installments of a race which has two or more installments.*".

Amend the bill as a whole by deleting sections 10 through 14 and inserting:

"Secs. 10-14. (Deleted by amendment.)".

Amend sec. 15, page 2, by deleting lines 10 through 19 and inserting:

"Sec. 15. *1. It is unlawful for any person to use or be responsible for the use of any electrical device or appliance that could alter the speed of a racing animal.*

*2. It is unlawful for any person to:*

*(a) Possess, manufacture, sell, distribute or market;*

*(b) Instruct another in the use of; or*

*(c) Cause or be responsible for an electrical current being discharged through, an electrical or mechanical device or other appliance designed specifically to increase or decrease the speed of an animal during a race, other than a whip approved by the commission.*

*3. Any person who violates the provisions of subsection 1 or 2 is guilty of a felony.*".

Amend the title of the bill, first line, by deleting: "authorizing wagering on various horse races;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to racing of animals. (BDR 41-629)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 153.

Amend section 1, page 1, lines 3 and 4, by deleting "reclamation" and inserting "[reclamation] *operations*".

Amend section 1, page 1, by deleting line 5 and inserting: "supersede the requirements for a permit and bond or other surety".

Amend section 1, page 1, line 10, after "chapter." by inserting: "*Nothing in this section affects the requirement for a permit set forth in NRS 519A.180 or 519A.200 or the required payment of fees set forth in NRS 519A.160 or 519A.260.*".

Amend sec. 2, page 1, line 17, by deleting "*project,*" and inserting: "*project through the preceding calendar year,*".

Amend sec. 3, page 2, line 6, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 116.

Bill read second time.

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

Amendment No. 128.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

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

Amendment No. 75.

Amend section 1, page 1, line 4, after "*or*" by inserting: "*money kept in his capacity as ex officio tax receiver for the apportionment of*".

Amend the title of the bill, second line, after "from" by inserting: "money kept for the apportionment of".

Amend the summary of the bill, second line, after "from" by inserting: "money kept for apportionment of".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 172.

Bill read second time.

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

Amendment No. 69.

Amend section 1, page 1, line 12, after "*engineer,*" by inserting: "*after a public hearing on the issue and* ".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 196.

Bill read second time.

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

Amendment No. 130.

Amend section 1, page 1, line 2, by deleting "$200,000" and inserting "$400,000".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 332.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time.

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

Amendment No. 84.

Amend the resolution, page 1, line 29, by deleting "small".

Amend the preamble of the resolution, page 1, line 1, by deleting "small".

Amend the title of the resolution, second line, by deleting "small".

Amend the summary of the resolution, first line, by deleting "small".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time and ordered to third reading.

Senate Bill No. 101.

Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 109:

YEAS—42.

NAYS—None.

Assembly Bill No. 109 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 128.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 128:

YEAS—42.

NAYS—None.

Assembly Bill No. 128 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblymen Bache, Pettyjohn, Haller, Garner, Anderson, Scherer, Arberry and Bergevin.

Assemblyman Pettyjohn requested that his remarks be entered in the Journal.

ASSEMBLYMAN PETTYJOHN:

Thank you, Madam Speaker pro Tempore. I rise to speak against the particular bill on the grounds that I have some concerns about the basic and fundamental constitutional rights of the individuals, particularly as the law is written. It says, "The district may authorize people to sign and serve written citations on persons who are accused." I feel there is the opportunity for abuse in this kind of a system. Further, I don't believe the bill provides for any kind of penalties involved so I am unclear as to what the nature of the citation would be and what kinds of enforcements and what kinds of penalties would be associated with it.

Thank you, Madam Speaker pro Tempore, for the opportunity to speak the second time on the bill. I'm looking at the specific language contained in the bill and I suppose that's what gives me some concern. If I were able to read in it that it was aimed at people stealing water out of hydrants for commercial purposes, it might be one thing, but on line 12 of page 2, it indicates, "related to the waste of water" and that's a judgment that would be left to the inspector or somebody who is observing either casually or on a specific mission to determine what is in fact a waste. If we as a homeowner were sprinkling our lawn and if it had been just a tad bit too long and it was running in the street, that would be, I suppose, cause for issuing a citation. Of course, I would like to go on record saying that I am as concerned about the conservation of water in this state as any member of this body. I do think we ought to find ways to help preserve it but if the aim of this bill is in fact to get those people who are stealing water out of fire hydrants to do commercial projects, I believe that could be stated more clearly. Thank you.

Assemblyman Porter moved that Assembly Bill No. 167 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 289:

YEAS—42.

NAYS—None.

Assembly Bill No. 289 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 354:

YEAS—41.

NAYS—None.

Not voting—Goetting.

Assembly Bill No. 354 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 101 be re-referred to the Committee on Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 70, 106; Assembly Concurrent Resolution No. 24; Senate Concurrent Resolutions Nos. 5, 6, 25.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jeanie Triplett, Annette Emens, Valerie Stanley, Messrs. Frank Marfisi, Joe Elcano, Mss. Sue Grasso, Sara Grasso, Mr. Anthony Grasso, Mss. Sandy Michitsch, Lisa Michitsch, Lana Michitsch, Linda Sitze, Hannah Sitze, Sarah-Lynn Sitze, Michelle Toral, Beverly Link, Miranda Link, Mr. Ike Yochum, Mss. Carla Frady, Kathy Milby, Messrs. Pat Cunning, Joe Garcia, Mss. Nora Christianson, Jackie Schlarb, Laurel Sweigart, Paula Kimbrough, Vickie Surges, Judy Dalluge, Barbara Ghiglia, Mr. Doug Abramson, Mss. Laura Leming, Nanette Ralph, Jan Vigil, Messrs. Tommie Vigil, Joe Benson, Ms. Bernice Stamates, Messrs. Mike Hanson, Frank Hernandez, Ms. Shari Tibbals and students from Yerington High School: Miguel Arellano, Tanya Barlow, Jennifer Barry, Tracee Barton, Maggie Berumen, Fawn Bolton, Charles Booth, Stephanie Brown, David Cartwright, Shane Chittenden, Rebecca Cook, Brandy Davis, Bennie Dennis, Amber Freeman, Dwayne Gerred, Thomas Hakin, Jennifer Hanson, Jefferson Harris, Cassie Hayden, Jason Hennan, James Hill, Jay Dee Hocking, Donna Jenkins, Shannon Keast, Leslie Kelly, Jeff Kraemer, Kyle Kutscherousky, Jill Lauderdale, David Little, Shelly Lommori, Laura Lopez, Eva Maeder, Wronda Manderville, Joe Marinovich, Kristina Marriott, Nancy Marriott, Anthony Masini, Mandy Matheus, Jason McCandless, Bob McGowan, Kristin McGraw, James McMinn, Melissa Menesini, Randy Menesini, Kerri Mikudik, Vernon Miller, Tony Moore, Ricky Munoz, Brian Munson, Ernie Nelson, Larry Ogden, Richard Oliver, Glenn Ostrander, William Pearson, Gregory Perryman, Carol Pugh, Maureen Pugh, Dennis Roe, Renee Ryan, Melanie Sam, Jason Sanderson, Joe Siminoe, Shaline Smith, Shawn Soderquist, Mike Sorensen, Tasha Sorensen, Melissa Spangle, Melisa Straw, Jamie Thompson, Tommy Thomson, James Thurman, Michelle Tracy, Delgadina Trejo, Jason Warr and Craig Woodward.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Judy Moss, Marisa Surges, Tera Forest, Messrs. Daniel Surges, Brad Briggs, Jeremy Briggs, Danny Briggs, Joshua Forest and Jared Forest

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ruth Ann Holley.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Naomi Millisor.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Mary Hancock Settelmeyer and Luetta Bergevin.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Genine Griffin.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nancy Stillmock, Scott Stillmock, Sedanna Stillmock, Shonda Stillmock and Shamra Stillmock.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Georgianne Duffy and Phyllis Kaiser and the following organizations: American Association of University Women, Nevada Division; Capitol; Reno; Sparks; Las Vegas; Boulder City; Fallon; Tahoe; Association of Children for the Enforcement of Support; Builders Association of Western Nevada; State of Nevada Federation of Business and Professional Women, Carson City; Sierra, Fallon, Reno, Boulder City; Campaign for Choice; Clark County Women's Democratic Club; Diabetic Education Center; HCX, Inc.; League of Women Voters; McQueen High School Student; Nevada Alliance for Children; Nevada Legal Services; Nevada Literacy Coalition; Nevada National Organization of Women; Nevada Network Against Domestic Violence; Nevada State Education Association; Nevada State Parent Teachers Association; Nevada Trial Lawyers Association; Planned Parenthood of Northern Nevada; Pro-Choice Advocacy; Reno Commission on the Status of Women; Reno Women's Civic Club; Retired Senior Volunteer Program; Senator Harry Reid's Office; Soroptimists International of Greater Las Vegas; Tap and Tad; Truckee Meadows Human Services Association; Washoe County Social Services; Women's Issues of Nevada; Nevada Women's Political Caucus; Anne Martin Women's Political Caucus; Capitol Women's Political Caucus; Douglas County Women's Political Caucus and Nevada Women's Lobby.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Martha Gould.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tamara Clark.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nancy Lang, Jayne Bauer-Hughes, Kathy Schwerin and Kim Burroughs.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jan Jenkins.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sandra Benson and Janet Line.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lana Lamburea.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Denise Kaiser.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Missy Shemick.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Fran Butler.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don Gustavson.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frank LeSage, Jr. and Ms. Bernadette LeSage.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Leslie Porter, Mr. Bret Porter and Ms. Mia Cushman.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sarah Chvilicek.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ruth Hansen and Phyllis Gurries.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Claudia Catani.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Bea Smith and Edith Isidoro-Mills.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Bonnie Hilbish, Messrs. Matt Hilbish and Thomas Duncan.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Laura Djaovich.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ann Huckleberry.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dee Fales.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Zachary Triggs and Ms. Ester Triggs.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sarah Entwistle and Pat Blanchard.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frank Schnorbus.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tim Underwood and Ms. Ruth Schaub.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Cresanta.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Margaret Sensel and Blanche Uehling.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Kim Sedway.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 12, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 12, 1991

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

O Lord our God, we pray that You will bless these persons chosen by the people of this state, for You know them; their need, their motives, their hopes and their fears. Lord, put Your arm around them to give them strength and speak to them to give them wisdom greater than their own. May they hear Your voice and seek Your guidance. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 102, 114, 134, 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 81.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 66, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 214.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 89, 115, 126, 164, 172, 190.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Marvel, Gibbons, Callister, Bergevin, McGinness, Carpenter and Dini:

Assembly Joint Resolution No. 12—Urging the Secretary of the Interior to remove the Lahontan cutthroat trout and the Cui-ui fish from the list of endangered and threatened species.

Assemblyman Marvel moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 394—An Act authorizing contribution toward the construction, other acquisition, equipment and improvement of an additional powerplant at Hoover Dam and the issuance of bonds and other securities by the State of Nevada, acting by and through the Colorado River commission; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 89.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 115.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 126.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 164.

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

Motion carried.

Senate Bill No. 172.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 190.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 214.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 73, 102, 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed a committee of three members consisting of Assemblymen Spitler, Callister and Humke as a Select Committee of the Pioche-Indian Springs Women's Prison Sites with Assemblyman Spitler to serve as Chairman.

## SECOND READING AND AMENDMENT

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 166.

Amend section 1, page 1, line 5, by deleting "*2*" and inserting "*3*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 168.

Amend the bill as a whole by adding thereto a new section, designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

Amend sec. 5, page 5, lines 28 and 29, by deleting: "*at the direction of the administrator*".

Amend sec. 5, page 5, lines 40 and 41, by deleting: "by regulation or order" and inserting: "[by regulation or order]".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Senate Bill No. 131 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 330 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 101.

Amend section 1, page 2, by deleting lines 9 through 14 and inserting:

"*7. A donor who is less than 18 years of age may, with the consent of his parent or guardian, amend or revoke an anatomical gift, not made by will, by:*

*(a) A signed statement;*

*(b) An oral statement made in the presence of two persons;*

*(c) Any form of communication during a terminal illness or injury addressed to a physician; or*

*(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 44:

YEAS—42.

NAYS—None.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 286:

YEAS—42.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 313:

YEAS—42.

NAYS—None.

Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblymen Wendell Williams and Giunchigliani.

Assemblyman Giunchigliani moved that Assembly Bill No. 332 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Remarks by Assemblymen Humke and Myrna Williams.

Assemblyman Giunchigliani moved that Assembly Bill No. 332 be taken from the General File and placed on the Chief Clerk's desk.

Assemblymen Giunchigliani, Evans and Porter requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—16.

NAYS—Arberry, Bayley, Bergevin, Callister, Carpenter, Elliott, Garner, Goetting, Gregory, Hardy, Heller, Humke, Johnson, Krenzer, Lambert, Little, McGaughey, Marvel, Pettyjohn, Price, Sader, Scherer, Spriggs, Wendell Williams, Wong, Mr. Speaker—26.

The motion, having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblymen Elliott, Wendell Williams, Sader, Humke, Scherer, Porter, Stout, and Giunchigliani.

Assemblyman Giunchigliani moved that Assembly Bill No. 332 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion Carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 63, 64, 69 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Porter moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1891), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Porter.

Roll Call on Assemblyman Porter's motion:

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 25; Senate Concurrent Resolution No. 26.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Aubrey Allen, Mrs. Helen Bergue, Mr. Henry Berk, Ms. Nevada Besso, Mr. Harold Biegler, Mr. and Mrs. William Birch, Mr. David Boles, Ms. Joanne Botsford, Mr. and Mrs. John Bowler, Mrs. Ruby Burton, Messrs. Richard Colon, Lester Conklin, Jr., Edward Daily, Mr. and Mrs. Kenneth Dennis, Ms. Donna Echevarria, Mr. and Mrs. Arthur Ender, Mr. Bernard Fishel, Mr and Mrs. Lawrence Gabler, Mss. Ethel Glenn, Margaret Gonzales, Loretta Granata, Mr. and Mrs. Bill Gregory, Mr. and Mrs. Leland Hall, Messrs. Marvin Humphrey, Stanley Kinder, Mrs. Doris Knesek, Mr. Harley LaMay, Ms. Elaine MacKenzie, Mr. and Mrs. Wilson Makabe, Mr. Walter Martini, Mr. and Mrs. Bill McComas, Mss. Morag McQueen, Irene Melarkey, Sophie Meyers, Mr. and Mrs. Edwin Morris, Mr. and Mrs. Charley Moyer, Ms. Joyce Newman, Mr. and Mrs. Albert Oliver, Mr. and Mrs. Frank Page, Mr. Donald Peckham, Mr. and Mrs. Edward Petiti, Mr. and Mrs. Ray Pidlypchak, Mr. James Simms, Mr and Mrs. Floyd Smalley, Mr. Merle Snider, Mr. and Mrs. Ernest Twiss, Mr and Mrs. Dalton Wellman, Mr. and Mrs. Perry Whitt, Messrs. Daniel Whitt and Vern Willis.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rick Williams.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Vera Baumann, Messrs. Allen Gosselin, Roy Casey, Jim Moyle and students from Eureka County Junior and Senior High Schools: Danny Armknecht, Josh Auch, Steven Derricott, Corey Bailey, Amy Drumm, Tiffany Dyer, Jason Goodworth, Aaron Groth, Gina Walton, Mandy Hubbard, Jerry Ithurralde, Travis Lasws, Evey Eskandon, Lori Mecham, Denise Moyle, Carrie Olsen, Tony Perkins, Summer Rowley, Ian Scrymgeour, Justin Cathey, Johni Daly, Amy Derricott, Roxanne Garaventa, Jennifer Low, Rick Mecham, Deanna Minoletti, Stacy Perez, Kathy Schweble, Sherri Todd and Clint Wilson.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lana Bvehrer and Tammie Matthews.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lynne Trujillo, Sherri Fisher, Harriet Reed, Mr. Bryon Clark and students from the Selliger School, Carson City: Carolyn Basagoitin, Heather Cinani, Christine Crossley, Wayne Dias, Peggy Doke, Jennifer Douglas, Kenny Fisher, Tim Foster, Carrie Knack, Eric Machado, Mike Mathews, Karl Niederer, Leota Pennington, Sara Prudic, Jacob Reed, Tonya Root, Sherri Rowan, Joe Saiz,

Stephanie Simons, David Timmerman, Sarah Walker, Andy Woodburn, Rachel Zahnter, Michelle Hilldreth, Kimberly Urrea, David Ford, Mike McGarvey, Nova Simpson, Andrea Maruca, Angie Cordey and Kelly O'Brien.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Clayson Trigero and Mrs. Betty Trigero.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dawn Laxton.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Klaus Bachenheimer.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Chaletta Martin and Mr. Clydell Wert.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Nadyne Gatzke.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 13, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 13, 1991

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, The Reverend David Camp.

O God of Heaven, we acknowledge that You govern the affairs of mankind. If this day You want us to do, or not to do, any particular things, we pray You will make it known to us, for You know how blind we can be, and how stubborn in our own intentions. We pray for Your help in our thinking and Your love in our hearts. To Your glory. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that Assemblyman Price has been excused for the purpose of attending a meeting of the National Conference of State Legislatures.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 158, 169, 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 67, 97, 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 353, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 12, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 56, 58.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills No. 5, 231, 248, 249.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 3 of the 65th Session.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3 of the 65th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assembly Concurrent Resolution No. 6.

Resolution read.

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

Amendment No. 106.

Amend the preamble of the resolution, page 1, by deleting lines 5 and 6 and inserting: "agency to modify the frequency".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 13.

Assemblyman Lambert moved the adoption of the resolution.

Remarks by Assemblyman Lambert.
Resolution adopted.

Senate Concurrent Resolution No. 23.
Assemblyman Freeman moved the adoption of the resolution.
Remarks by Assemblyman Freeman.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 395—An Act making a supplemental appropriation to the department of the military for additional expenses relating to providing certain benefits for members of the Nevada National Guard; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 396—An Act making a supplemental appropriation to the commission on economic development for the additional expense of three quick start job training programs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 397—An Act making a supplemental appropriation to the state library and archives for the additional expenses for utilities for the division of archives and records; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 398—An Act making supplemental appropriations to the state department of education for additional expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 399—An Act making a supplemental appropriation to the health division of the department of human resources for additional vaccines required for the immunization of preschool and school children; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 400—An Act making an appropriation to the health division of the department of human resources for the purchase of new and replacement equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 401—An Act making an appropriation to the University of Nevada System for the purchase of computer equipment and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 402—An Act making an appropriation to the Nevada historical society for the purchase and installation of compact shelves; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 403—An Act making an appropriation to the Nevada museum and historical society in Las Vegas for the installation of security monitoring equipment and for maintenance of the facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 404—An Act making a supplemental appropriation to the department of motor vehicles and public safety for additional expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 405—An Act relating to state government; prohibiting any retaliatory disciplinary action against a state officer or employee who discloses an improper governmental action; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 406—An Act relating to taxicabs; authorizing a temporary increase in the allocation of taxicabs to certificate holders; expanding the scope of the appellate jurisdiction of the taxicab authority; requiring the taxicab authority to review annually the allocation of taxicabs; increasing various fees and penalties; requiring certificate holders to put newly allocated taxicabs into service within a specified time; making various changes concerning standards for taxicabs and taxicab drivers; providing for the temporary suspension of a taxicab driver's permit; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 5.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 30.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 231.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 248.

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

Motion carried.

Senate Bill No. 249.

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

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 407—An Act relating to industrial insurance; providing for industrial insurance by private insurers; providing for state supervision of rates and advisory organizations; exempting the state industrial insurance system from administrative requirements applicable to executive agencies generally; providing penalties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 408—An Act relating to industrial insurance; requiring the director of the department of industrial relations to provide clerical and administrative support for medical review boards; allowing injured employees to select the members of such boards; imposing time limits on the decision making process of such boards; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 332 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 74 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 207 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 409—An Act relating to industrial insurance; clarifying the authority of hearing officers to decide contested claims arising from certain employments covered by private disability and death benefit plans; removing the authority of the administrator of the division of industrial insurance regulation of the department of industrial relations to hold hearings concerning such claims; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 410—An Act relating to industrial insurance; requiring the appointment of advocates for injured employees; requiring the annual audit of certain insurers; allowing insurers to recover certain overpayments of benefits; restricting the rehabilitative services that may be ordered by an insurer; changing the name of the state industrial claimants' attorney to the

attorney for injured employees; increasing certain fines for violations; requiring insurers to accept or deny claims more quickly; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Garner, Wendell Williams, Dini, Porter, Bennett, McGaughey, Lambert, Hardy, Haller, Carpenter, Spriggs, Anderson, Scherer, Gregory, Kerns, Johnson, Gibbons, Petrak, Myrna Williams, McGinness, Bayley, Freeman, Spitler, Callister, Arberry, Evans, Sader, Humke, Goetting, Bache, Pettyjohn, Heller, Norton, Giunchigliani, Marvel, Stout, Elliott, Wong and Krenzer:

Assembly Bill No. 411—An Act relating to property taxes; authorizing the board of county commissioners of each county to adopt an ordinance establishing a program to allow senior citizens to pay property taxes through the provision of personal services; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Taxation.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Vice Chairman*

## SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 137.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"*(b) Four school days in a district to maintain such a program if the remaining school days are increased in length to provide the equivalent of 1 1/2 days of school for each day of the reduction, as defined by regulation of the state board.*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

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

Amendment No. 133.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 8, to read as follows:

"Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The boards of county commissioners of a county whose population is more than 400,000 shall provide by ordinance for the issuance of permits to charitable organizations which allow the holders to solicit charitable contributions for the respective organization while standing on the median strip of any highway or the sidewalk adjacent to the highway within the jurisdiction of the county. The county shall, upon receipt of the completed application, issue the permit for the period requested which may not exceed 3 days in a calendar year. The county may reasonably limit the time, place and manner of the solicitation to preserve public safety. In no case may a person whose age is less than 18 years be permitted to participate in the solicitation. The board of county commissioners of a county whose population is 400,000 or less may provide for such permits in the same manner.*

*2. The board may charge a fee for such a permit which does not exceed:*

*(a) An amount reasonably calculated to reimburse the county for its administrative costs in considering and processing the application; or*

*(b) Fifty dollars,*

*whichever is less.*

*3. The charitable organization:*

*(a) Shall indemnify the county against any injury to any person or property during the solicitation which arises from or is incident to the act of solicitation; and*

*(b) Is liable for any injury to any person or property during the solicitation which arises from the negligence of the soliciting agent.*

*4. As used in this section:*

*(a) "Charitable organization" means an organization which:*

*(1) The Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code; and*

*(2) Holds a current certificate of organization or is currently qualified by the secretary of state to do business in this state.*

*(b) "Highway" means the entire width between the boundary lines of every way maintained by a public authority when any part thereof is open to the use of the public for purposes of vehicular traffic. The term does not include a "freeway" as that term is defined in NRS 408.060.*

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The governing body of each city in a county whose population is more than 400,000 shall provide by ordinance for the issuance of permits to charitable organizations which allow the holders to solicit charitable contributions for the respective organization while standing on the median strip of any highway or the sidewalk adjacent to the highway within the jurisdiction of the city. The city shall, upon receipt of the completed application, issue*

*the permit for the period requested which may not exceed 3 days in a calendar year. The city may reasonably limit the time, place and manner of the solicitation to preserve public safety. In no case may a person whose age is less than 18 years be permitted to participate in the solicitation. The governing body of each city in a county whose population is 400,000 or less may provide for such permits in the same manner.*

*2. The city may charge a fee for such a permit which does not exceed:*

*(a) An amount reasonably calculated to reimburse the city for its administrative costs in considering and processing the application; or*

*(b) Fifty dollars,*

*whichever is less.*

*3. The charitable organization:*

*(a) Shall indemnify the city against any injury to any person or property during the solicitation which arises from or is incident to the act of solicitation; and*

*(b) Is liable for any injury to any person or property during the solicitation which arises from the negligence of the soliciting agent.*

*4. As used in this section:*

*(a) "Charitable organization" means an organization which:*

*(1) The Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code; and*

*(2) Holds a current certificate of organization or is currently qualified by the secretary of state to do business in this state.*

*(b) "Highway" means the entire width between the boundary lines of every way maintained by a public authority when any part thereof is open to the use of the public for purposes of vehicular traffic. The term does not include a "freeway" as that term is defined in NRS 408.060.*

Sec. 3. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

*No action may be brought under NRS 41.031 or against an officer or employee of the state or any of its agencies or political subdivisions which is based upon any injuries to any person or property arising from or incident to the act of solicitation permitted pursuant to section 1, 2 or 6 of this act.*

Sec. 4. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.031 to 41.039, inclusive [:] *, and section 3 of this act:*

1. "Employee" includes an employee of a part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the state pursuant to NRS 284.173; and

(b) Contracts to provide medical services for the department of prisons.

As used in this subsection, "professional corporation" and "professional association," have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the state or a political subdivision of the state which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender.

Sec. 5. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 3 of this act* and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section, in a court of competent jurisdiction of this state, against the State of Nevada, any agency of the state, or any political subdivision of the state. In an action against the state or any agency of the state, the State of Nevada must be named as defendant, and the summons and a copy of the complaint must be served upon the secretary of state. The secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 6. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In addition to any necessary county or city permit, a person shall not solicit contributions while standing on the median strip of any highway or the sidewalk adjacent to the highway within the jurisdiction of the department without a permit to do so issued by the director.*

*2. The director shall establish standards for the issuance of permits to charitable organizations which allow the holders to solicit charitable contributions for the respective organization while standing on the median strip of any highway or the sidewalk adjacent to the highway within the jurisdiction of the department. The director shall expeditiously consider each application for such a permit. The application must be accompanied by evidence that a county or city has issued a permit to the organization for solicitation within its jurisdiction during the same period requested in the application. The director may reasonably limit the time, place and manner of the requested solicitation to preserve public safety.*

*3. The charitable organization:*

*(a) Shall indemnify the State of Nevada against any injury to any person or property during the solicitation which arises from or is incident to the act of solicitation; and*

*(b) Is liable for any injury to any person or property during the solicitation which arises from the negligence of the soliciting agent.*

*4. As used in this section:*

*(a) "Charitable organization" means an organization which:*

*(1) The Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code; and*

*(2) Holds a current certificate of organization or is currently qualified by the secretary of state to do business in this state.*

*(b) "Highway" means the entire width between the boundary lines of every way maintained by a public authority when any part thereof is open to the use of the public for purposes of vehicular traffic. The term does not include a freeway.*

Sec. 7. NRS 484.331 is hereby amended to read as follows:

484.331 1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent highway.

2. Pedestrians walking along highways where sidewalks are not provided shall walk on the left side of such highways facing the approaching traffic.

3. A person shall not stand in a highway [for the purpose of soliciting] *to solicit* a ride or any business from the driver or any occupant of a vehicle. *A person shall not, without a permit issued pursuant to section 1 or 2 of this act, solicit any contribution from the driver or any occupant of a vehicle.*

4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.

5. The provisions of this section apply also to riders of animals.

Sec. 8. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to charitable solicitation; requiring the governing bodies of certain counties and cities to adopt an ordinance allowing, under certain circumstances, solicitors for certain charitable organizations to solicit contributions while standing on the median strip of any highway within the jurisdiction of the county or city; allowing other counties and cities to adopt such ordinances; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting: "each county and city" and inserting: "certain counties and cities".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

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

Amendment No. 129.

Amend sec. 2, page 1, line 23, by deleting "1991." and inserting "1992.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

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

Amendment No. 83.

Amend section 1, page 2, by deleting lines 1 through 7 and inserting:

"*5. Any person in the classified or unclassified service who:*

*(a) Is the natural parent of a child who is less than 6 months old; or*

*(b) Has recently adopted a child,*

*must be granted, upon request, a leave of absence without pay for a period not to exceed 6 months. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection is not intended to affect the rights of an employee set forth in NRS 284.350 or 284.355.*".

Amend the title of the bill, second line, after "newborn" by inserting: "or newly adopted".

Amend the summary of the bill, second line, after "newborn" by inserting: "or newly adopted".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

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

Amendment No. 108.

Amend sec. 2, page 2, by deleting line 10 and inserting:

"*3. Evaluate previous studies and compile existing information to assist in determining the suitability of potential sites as*".

Amend the title of the bill, fourth and fifth lines, by deleting: "analyze potential sites for" and inserting: "compile existing information regarding".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 73.
Bill read second time and ordered to third reading.

Senate Bill No. 102.
Bill read second time and ordered to third reading.

Senate Bill No. 103.
Bill read second time and ordered to third reading.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:40 a.m.

## ASSEMBLY IN SESSION

At 11:46 a.m.
Mr. Speaker presiding.
Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 78.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 78:
YEAS—38.
NAYS—Little, Wong—2.
Excused—Price.
Not voting—Johnson.

Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 116.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 116:
YEAS—41.
NAYS—None.
Excused—Price.

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

Assembly Bill No. 117.
Bill read third time.
Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 117:

YEAS—41.
NAYS—None.
Excused—Price.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 172.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 172:

YEAS—41.
NAYS—None.
Excused—Price.

Assembly Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblyman Goetting.

Roll call on Assembly Bill No. 272:

YEAS—41.
NAYS—None.
Excused—Price.

Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 273:

YEAS—41.
NAYS—None.
Excused—Price.

Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Joint Resolution No. 3:

YEAS—41.
NAYS—None.
Excused—Price.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 63:

YEAS—41.

NAYS—None.

Excused—Price.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Senate Bill No. 64:

YEAS—41.

NAYS—None.

Excused—Price.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Senate Bill No. 69:

YEAS—41.

NAYS—None.

Excused—Price.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

The following amendment was proposed by Assemblyman Wendell Williams:

Amendment No. 179.

Amend sec. 2, page 2, line 11, by deleting the open bracket.

Amend sec. 2, page 2, line 12, by deleting "lawful" and inserting "[lawful]".

Amend sec. 2, page 2, line 13, by deleting the closed bracket.

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 207:

YEAS—41.

NAYS—None.

Excused—Price.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 66.

The following Senate amendment was read:

Amendment No. 100.

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

"2. *Except as otherwise provided in NRS 211.060, all expenses of enforcing the provisions of NRS*".

Amend sec. 3, page 2, by deleting line 14 and inserting: "*offer* a reward for *information that leads to* his apprehension . [, which reward shall] *The reward offered by the governor must*".

Amend sec. 3, page 2, by deleting lines 23 and 24 and inserting: "*tory evidence of the guilt of the accused, offer a reward for information that leads to his apprehension. The reward offered by the board, governing body or other local government must not exceed the sum of $5,000.*".

Amend the title of the bill, fourth line, by deleting: "pay, under certain circumstances, the" and inserting "pay the".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 66.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 81.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to: Messrs. Ken Achurra, Ken Adams, Ms. Verita Black, Messrs, Brad Bolotin, Fred Boyd, Mss. Sharon Brewster, Cindy Chrisman, Messrs. Daniel Coppa, David Corthell, Mss. Pam Dulgar, Carol Dusek, Carol Elmore, Elisa Erquiaga, Mr. Jim Flynn, Mss. Jane Gammel, Martha Greene, Lauren Greenwood, Messrs. Steve Harkins,

Michael Hix, Ms. Sharon Honig-Bear, Messrs. Christopher Howard, Jack Howard, Michael Klaich, Mss. Laurie Krueger, Stephanie Kruse, Ann Lee, Linda Lott, Aileen Martin, Mr. Michael Metzger, Ms. Linda Moore, Messrs, Bill Newberg, Robert Novich, Jonnie Pullman, David Rapp, Kurt Redinbaugh, Ms. Tamra Royer, Mr. Brian Sandoval, Mss. Cathie Sharp, Trudy Stevenson, Messrs. Glen Storer, Don Trefry, David Williams, Daniel Wong, Mss. Cynthia Yearman, Lura Zimmerman, Tamara Barengo, Ondra Berry, Kimberlee Tolkien, Lynne Williams, Gail Millward, Messrs. Trip Barthel, Dennis Bryan, Greg Gilbert and Craig Schriber.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Terri Murray, Sandra Chocler and Dagmar Bronner.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Thomas O'Donnell.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lynne Williams.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Laura Dickey.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Forrest Warner.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dave Lewis.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ray Snapp and students from Seeliger Elementary School, Carson City: Gloria Alsobrook, Brea Anne Barbera, Darlene Black, Jennifer Carlough, Nathaniel Carrier, Joe Glazner, Ryan Green, Michelle Grisamer, Chris Honyumptewa, Ryan Peters, Heather Reno, Andy Thompson, Scott Wilde, Rocky Boice, Jacklyn Braum, Donny Denton, Catherine Evans, Kristina George, Molly Murray, Tiffany Prinika and Dave Tim.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dennis Bryan.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Wilson Makabe.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Gene Wambolt.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bernard Kaufman.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 14, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 14, 1991

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Price, who was excused for the purpose of attending a meeting of the National Conference of State Legislatures.

Prayer by the Chaplain, The Reverend David Camp.

Our Lord our God, before whom one day we all have to give account, lend us Your aid that this day's work may be well pleasing to You. Give us courage, and faith, and the quiet mind. Give life to our good intentions, bless us in all that is right, and correct us in all that is wrong. We ask You for this help. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 277.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 208.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 412—An Act relating to mental health; changing the name of the mental hygiene and mental retardation division of the department of human resources; changing the names of the division's facilities;

revising certain provisions governing the payment of costs for services rendered by the division; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 413—An Act relating to county hospitals; limiting the requirement for giving notice of the admission of a resident of another county to those patients who are reasonably believed to be indigent; extending the time within which such notice must be given; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 414—An Act making an appropriation to the health division of the department of human resources for the Special Supplemental Food Program for Women, Infants and Children; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 415—An Act relating to relations with government employees; authorizing collective bargaining on behalf of state employees; providing for mediation and arbitration for resolution of certain disputes concerning state employees; requiring that certain contracts be submitted to the legislature for approval; making certain corresponding changes concerning collective bargaining on behalf of employees of local governments; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 416—An Act relating to public services for children; authorizing the department of human resources to establish a program and adopt regulations for the provision of early intervention services for infants and toddlers with developmental delays and their families; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Scherer, Sader, Gregory, Porter, Johnson, Hardy, Petrak, Anderson, Carpenter, Bayley, Wendell Williams, Gibbons, Heller,

Haller, McGinness, Lambert, Myrna Williams, Pettyjohn, Callister, Bergevin, McGaughey, Garner, Price, Humke, Dini, Marvel, Goetting, Wong, Stout, Spitler, Norton, Giunchigliani, Arberry, Krenzer, Bennett, Little and Freeman:

Assembly Bill No. 417—An Act relating to campaign practices; providing for the disposition of unspent contributions after an election; limiting the amount of campaign contributions which may be given to a candidate for a public office; prohibiting the personal use of campaign contributions; limiting the solicitation, acceptance or receipt of an honorarium by a public officer or employee; prohibiting the acceptance of contributions by legislators during certain periods; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 208.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 13—Urging Congress to increase funding to the Special Supplemental Food Program for Women, Infants and Children.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Dini, Price, Bergevin, Marvel, Sader, Humke, Kerns, Arberry, Lambert, McGaughey, Spriggs, Myrna Williams, Callister, Carpenter, Evans, Freeman, Garner, Porter, Wendell Williams, McGinness, Haller, Little, Anderson, Bache, Bayley, Bennett, Elliott, Giunchigliani, Goetting, Gregory, Hardy, Heller, Johnson, Krenzer, Norton, Petrak, Pettyjohn, Scherer, Spitler, Stout, Wong and Gibbons:

Assembly Concurrent Resolution No. 27—Commending Amy Phelps for her long and dedicated service to the Nevada Legislature.

WHEREAS, Amy Phelps began her legislative service in 1969 as a stenographer for the Assembly; and

WHEREAS, Because of her exceptional ability and attitude, Amy Phelps was promoted to Assembly Journal Clerk in 1973 and has continued to serve in that position longer than any other person in the history of Nevada; and

WHEREAS, Amy's dedication and professionalism as the person responsible for creating the official record of the proceedings on the floor of the Assembly have made her an expert in legislative procedure; and

WHEREAS, Although Amy's tenure has been with the Assembly, she has maintained a close friendship and good working relationship with the former Assemblymen now serving in the Senate and the staff of the Senate Front Desk; and

WHEREAS, Amy Phelps has been a valued employee of the Assembly earning the respect, love and admiration of those who have worked closely with her during the past two decades; and

WHEREAS, Amy Phelps is retiring as Assembly Journal Clerk, allowing her to spend more time with her husband, Lonnie "Gene" Phelps, now retired from the Department of Transportation, her two children, daughter Lonnie Ghiorso, of San Leandro, California, and son Michael of Oxnard, California, and her three grandchildren; and

WHEREAS, Retirement will also afford Amy an opportunity to excel in golf and tennis, sports in which she is already quite accomplished; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of this Legislature, with heartfelt gratitude, commend the dedication and service of Amy Phelps to the Nevada Legislature; and be it further

RESOLVED, That Amy Phelps will be sorely missed on the Assembly Front Desk, but is sent many best wishes for her retirement; and be it further,

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Amy Phelps.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Amy Phelps has been of assistance to all of us. From the very first day that I came here and obviously for two decades since although I haven't been here for two decades. She has been helping everyone. It's a happy day for Amy. It's not such a happy day for the rest of us who will deeply miss her, and on behalf of the members of the Assembly, we do have a little presentation to make. We hope this will remind you of us and you will come back and visit us, and when you look at it, you will remember fondly your days here.

MR. SPEAKER:

Amy, we are not going to let you off that easy because I was here first. I'm your senior so now I can talk to you after all these years. I have known Amy since 1969. Amy never says much, just works. She has been one of our most respected employees. She has been such a terrific asset to the front desk. Before that, she started out as a secretary. In those days, we didn't have private offices. None of you were here when we had our offices on the floor in the old Capitol above the Governor's offices. We would call the pool and Amy would come to take dictation and send our letters out to constituents. She took care of most of us from the rural counties; Virgil Getto, myself and five or six others. Since then, we have become very fond of her and the work that she has done for us here. We all respect her and wish her well on her voyage to retirement. We don't like to see her leave here but first things come first. We understand that, Amy. On behalf of the Assembly, we

would like to present you with a copy of the resolution which we have just read. We want to wish you happiness forever. Come back and visit us often. We are going to miss you. Best of everything.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Concurrent Resolution No. 6.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 23.

Assemblyman Bergevin moved the adoption of the resolution.

Remarks by Assemblyman Bergevin.

Resolution adopted.

Assemblyman Bergevin moved that all rules be suspended and that Assembly Concurrent Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 28—Urging the Department of Education and the county school districts to provide information to pupils about adoption and the financial responsibilities of raising children.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 29—Urging community agencies to create programs for teenage males and fathers concerning responsible sexual behavior.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 30—Urging the State Board of Education to continue to provide a suggested course of study relating to family life and human sexuality and directing the Department of Education and the boards of trustees of county school districts to report to the Legislature concerning programs of instruction in these subjects.

Assemblyman Arberry moved that the resolution be referred to the Concurrent Committees on Health and Welfare and Education.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 31—Urging the Department of Education to cooperate with other agencies in providing education concerning parenting.

Assemblyman Arberry moved that the resolution be referred to the Concurrent Committees on Health and Welfare and Education.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 32—Directing the State Board of Education and the boards of trustees of all county school districts to conduct a study of the policies and programs available for teenagers who are pregnant or parents.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 33—Urging the Welfare Division of the Department of Human Resources to increase the number of providers of obstetric care for pregnant women and teenagers who are medically indigent.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 219, 269; Senate Bills Nos. 73, 102, 103, 131 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 158.

Bill read second time.

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

Amendment No. 114.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The state board of education is hereby authorized to expend from the education gift fund the sum of $97,700 during the fiscal year 1991 for the purposes set forth in NRS 385.095.".

Amend sec. 4, page 4, by deleting line 1 and inserting:

"Sec. 5. 1. This section and section 4 of this act become effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 1991.".

Amend the title of the bill, fifth line, after "session;" by inserting: "authorizing an expenditure from the education gift fund;".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Assemblyman Callister moved that Assembly Bill No. 158 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 169.

Bill read second time.

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

Amendment No. 107.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"1. Street grading, drainage provisions and lot designs as are reasonably necessary [.] *and, if the governing body anticipates that the parcels will be used for residential purposes, provisions for the supply and quality of water and sewage as are reasonably necessary.*

2. Offsite access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the".

Amend the title of the bill, first line, by deleting "all" and inserting "certain".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time.

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

Amendment No. 93.

Amend sec. 1, page 1, line 3, after "*which*" by inserting: "*serves 3,000 or fewer persons and*".

Amend sec. 1, page 1, line 8, by deleting "*or useful*".

Amend section 1, page 1, between lines 17 and 18, by inserting:

"*3. If the public utility is disposing of all of its real property and goods, the commission shall hold a public hearing on the matter before determining whether to approve the disposal.*".

Amend sec. 1, page 1, line 18, by deleting "*3.*" and inserting "*4.*".

Amend sec. 1, page 1, line 19, by deleting "*or useful*".

Amend section 1, page 1, between lines 20 and 21, by inserting:

"*5. The provisions of this section are not intended to limit the regulatory authority of the commission granted in other sections of this chapter.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 704.095 is hereby amended to read as follows:

704.095 The commission shall adopt regulations which provide a simplified procedure for a change of rates for those public utilities which furnish water or services for the disposal of sewage, or both, to persons within this state for compensation, and which:

1. Serve [2,000 persons or less;] *3,000 or fewer persons;* and

2. Had during the immediately preceding 12-month period gross sales for water or services for the disposal of sewage, or both, amounting to [$500,000] *$1,000,000* or less.".

Amend the title of the bill, third line, after "property;" by inserting: "expanding the public utilities to which the simplified procedure for a change in rates is available;".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 353.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 144.

Amend section 1, page 1, line 12, after "*department.*" by inserting: "*The department may designate any appropriate colors for the special plates.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 482.270 is hereby amended to read as follows:

482.270 1. Except as otherwise provided in NRS 482.379 [,] *and section 1 of this act,* the director shall order the preparation of motor vehicle license plates with no other colors than blue and silver. The director may substitute white in place of silver when no suitable material is available.

2. The director may determine and vary the size, shape and form and the material of which license plates are made, but each license plate must be of sufficient size to be plainly readable from a distance of 100 feet during daylight. All license plates must be treated to reflect light and to be at least 100 times brighter than conventional painted number plates. When properly mounted on an unlighted vehicle, the license plates, when viewed from a vehicle equipped with standard headlights, must be visible for a distance of not less than 1,500 feet and readable for a distance of not less than 110 feet.

3. Every license plate must have displayed upon it:

(a) The registration number (or combination of letters and numbers) assigned to the vehicle and to the owner thereof;

(b) The name of the state, which may be abbreviated;

(c) If issued for a calendar year, the year; and

(d) If issued for a registration period other than a calendar year, the month and year the registration expires.

4. The letters I and Q must not be used in the designation.

5. Except as otherwise provided by NRS 482.379, all letters and numbers must be of the same size.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 97.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 184.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 3.5" and inserting: "2 to 3.7, inclusive,".

Amend sec. 2, page 1, by deleting lines 3 through 12 and inserting:

"Sec. 2. *1. Except as otherwise provided in subsection 2 of section 3.7 of this act, in addition to all other taxes imposed on the revenues from the rental of transient lodging, a board of county commissioners may by ordinance, but not as in a case of emergency, impose a tax at the rate of 1 percent of the gross receipts from the rental of transient lodging pursuant to either paragraph (a) or (b) as follows:*

*(a) After receiving the approval of a majority of the registered voters of the county voting on the question at a special or general election, the board of county commissioners may impose the tax throughout the county, including its incorporated cities, upon all persons in the business of providing lodging. The question may be combined with a question submitted pursuant to section 14, 19 or 24 of this act or NRS 373.030 or 377A.020, or any combination thereof.*

*(b) After receiving the approval of a majority of the registered voters who reside within the boundaries of a transportation district created pursuant to section 6 of this act, voting on the question at a special or general district election, the board of county commissioners may impose the tax within the boundaries of the transportation district upon all persons in the business of providing lodging. The question may be combined with a question submitted pursuant to section 14 of this act.*".

Amend sec. 3, page 1, by deleting lines 22 and 23 and inserting:

"Sec. 3. *In a county in which a tax has been imposed pursuant to paragraph (a) of subsection 1 of section 2 of this act:*

*1. The proceeds of the tax and any applicable penalty or interest must be:*".

Amend sec. 3, page 2, by deleting line 6 and inserting:

"*2. If the county has created one or more transportation districts, it shall use*".

Amend the bill as a whole by adding a new section designated sec. 3.3, following sec. 3, to read as follows:

"Sec. 3.3. *In a transportation district in which a tax has been imposed pursuant to paragraph (b) of subsection 1 of section 2 of this act, the proceeds of the tax and any applicable penalty or interest must be retained by the county and used to pay the cost of:*

*1. Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the district or within such a distance outside those boundaries as is stated in the ordinance imposing the tax, if the governing body finds that such projects outside the boundaries of the district will facilitate transportation within the district;*

*2. Payment of principal and interest on notes, bonds or other obligations issued by the county to fund projects described in subsection 1; or*

*3. Any combination of those uses.*".

Amend the bill as a whole by adding new sections designated sections 3.7 and 3.9, following sec. 3.5, to read as follows:

"Sec. 3.7. *1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after the effective date of this act except pursuant to section 2 of this act.*

*2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after the effective date of this act.*

*3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.*

Sec. 3.9. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsection 2, the board of county commissioners may:

(a) Regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) [Fix,] *Except as otherwise provided in section 3.7 of this act, fix,* impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate the business of conducting a dancing hall, escort service, or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such businesses.

3. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the state has issued or will issue a license required for this activity.

4. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 90 days following the date on which the tax became delinquent, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

5. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. Except as otherwise provided in NRS 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the department of taxation for the exchange of information concerning taxpayers.".

Amend sec. 6, page 3, between lines 37 and 38, by inserting:

"*(d) Cause a special or general district election to be held in the same manner as provided for other such elections in Title 24 of NRS for the purpose of submitting a question pursuant to paragraph (b) of subsection 1 of section 2 or paragraph (b) of subsection 1 of section 14 of this act, or both.*".

Amend sec. 8, page 4, by deleting line 4 and inserting: "*taxes imposed pursuant to paragraph (a) of subsection 1 of section 2 or paragraph (a) of subsection 1 of section 14 of this act or pursuant to section 24 of this act or,*".

Amend sec. 8, page 4, by deleting line 14 and inserting:

"2. *A county may pledge any money received from the proceeds of taxes imposed pursuant to paragraph (b) of subsection 1 of section 2 or paragraph (b) of subsection 1 of section 14 of this act, or any combination of money from those taxes with revenue derived from the project financed with the proceeds of the obligations for whose payment those taxes are pledged, including any existing or future extensions or enlargements thereof, for the payment of general or special obligations issued for projects described in subsection 1 of section 3.3 of this act, if the project for which the securities are issued could be directly funded with the taxes whose proceeds are pledged for the payment of the securities.*

*3. Any money pledged by the county pursuant to subsection 1 or 2 may be*".

Amend sec. 9, page 4, line 18, by deleting "13," and inserting "13.5,".

Amend the bill as a whole by adding new sections designated sections 13.5 and 13.7, following sec. 13, to read as follows:

"Sec. 13.5. *1. A city located in a county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after the effective date of this act.*

*2. A city located in a county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after the effective date of this act.*

*3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.*

Sec. 13.7. NRS 268.095 is hereby amended to read as follows:

268.095 1. The city council or other governing body of each incorporated city in the State of Nevada, whether organized under general law or special charter, may:

(a) [Fix,] *Except as otherwise provided in section 13.5 of this act, fix,* impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

2. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the state has issued or will issue a license required for this activity.

3. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 90 days following the date on which the tax became delinquent, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

4. The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. Except as otherwise provided in NRS 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the

members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the department of taxation for the exchange of information concerning taxpayers.

5. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.".

Amend sec. 14, page 5, by deleting lines 32 through 40 and inserting:

"*1. A board of county commissioners may by ordinance, but not as in a case of emergency, impose a tax for the improvement of transportation on the privilege of new residential, commercial, industrial and other development pursuant to either paragraph (a) or (b) as follows:*

*(a) After receiving the approval of a majority of the registered voters of the county voting on the question at a regular or special election, the board of county commissioners may impose the tax throughout the county, including any such development in incorporated cities in the county. A county may combine this question with a question submitted pursuant to section 2, 19 or 24 of this act or NRS 373.030 or 377A.020, or any combination thereof.*

*(b) After receiving the approval of a majority of the registered voters who reside within the boundaries of a transportation district created pursuant to section 6 of this act, voting on the question at a special or general district election, the board of county commissioners may impose the tax within the boundaries of the district. A county may combine this question with a question submitted pursuant to section 2 of this act.*".

Amend sec. 14, page 6, by deleting lines 12 through 23 and inserting:

"*4. In a county in which a tax has been imposed pursuant to paragraph (a) of subsection 1, the revenue derived from the tax must*".

Amend sec. 14, page 6, between lines 35 and 36, by inserting:

"*5. In a transportation district in which a tax has been imposed pursuant to paragraph (b) of subsection 1, the revenue derived from the tax must be used exclusively to pay the cost of:*

*(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the district or within such a distance outside those boundaries as is stated in the ordinance imposing the tax, if the board of county commissioners finds that such projects outside the boundaries of the district will facilitate transportation within the district;*

*(b) Payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or*

*(c) Any combination of those uses.*".

Amend sec. 19, page 9, line 4, after "2." by inserting: "*A tax imposed pursuant to this section must be imposed on all taxpayers at the same rate.*

*The county shall not allow any discounts, exemptions or other variance of the rate of the tax for any taxpayer except for the state or a political subdivision of the state.*

*3.*".

Amend sec. 20, page 9, line 8, after "aircraft" by inserting: "*imposed pursuant to NRS 365.170 or section 19 of this act must be deposited in the account for taxes on fuel for jet or turbine-powered aircraft in the state general fund and*".

Amend sec. 22, page 10, by deleting lines 5 through 16 and inserting:

"365.210 *1.* No county, city or other political subdivision or municipal corporation may levy or collect any excise, privilege or occupation tax upon or measured by the receipt, storage, sale, distribution, transportation or use of motor vehicle fuel, fuel for jet or turbine-powered aircraft or any other inflammable or combustible liquids except:

[1.] *(a)* The county motor vehicle fuel tax authorized by chapter 373 of NRS.

[2.] *(b) A tax on fuel for jet or turbine-powered aircraft authorized by section 19 of this act.*

*(c)* Any motor vehicle fuel taxation in effect on January 1, 1935, in any city or town.

[3.] *(d)* County and city business license taxes where otherwise authorized by law [.] *, except as otherwise provided in subsection 2.*

*2. After the effective date of this act, no county, city or other political subdivision or municipal corporation responsible for the operation of an airport may impose a new tax or fee upon the sale or distribution of fuel for jet or turbine-powered aircraft except:*

*(a) A tax on fuel for jet or turbine-powered aircraft authorized by section 19 of this act.*

*(b) Any fuel flowage fee imposed upon aircraft or organizations servicing aircraft in lieu of rent for use of the terminal, landing fees or other airport charges.*".

Amend sec. 24, page 11, line 13, by deleting "*244A.055;*" and inserting: "*244A.055, within the boundaries of the county or within 1 mile outside those boundaries if the board of county commissioners finds that such projects outside the boundaries of the county will facilitate transportation within the county;*".

Amend sec. 35, page 16, line 26, after "act," by inserting "up to".

Amend the bill as a whole by deleting sec. 37 and adding new sections designated sections 37 through 39, following sec. 36, to read as follows:

"Sec. 37. 1. The legislature hereby declares that:

(a) Washoe County contains many diverse areas for which tourism is an important economic factor including mountain peaks, mountain lakes, valley lakes and old and new "downtown" business districts;

(b) A unique National Automobile Museum is located in Washoe County for which the City of Reno may choose to become responsible for, among other reasons, its ability to draw tourists to the area;

(c) In the past, many tourists have been attracted to the area as participants in or spectators of national bowling tournaments although a permanent facility in which to hold the tournaments is not currently available in Washoe County;

(d) Because of Washoe County's fragile economy and the need to develop a stable tourist trade, it is important that tourist-related businesses are able to depend on a tax that will remain at a constant rate and be used for projects that have a history of drawing tourists to Washoe County; and

(e) A general law cannot be made applicable to the situation because of these unique circumstances and special conditions, and the provisions of this section are therefore necessary.

2. Notwithstanding the provisions of sections 3.7 and 13.5 of this act, the Board of County Commissioners of Washoe County, in addition to all other taxes imposed on the revenues from the rental of transient lodging, shall impose a tax at the rate of 1 percent of the gross receipts from the rental of transient lodging in that county upon all persons in the business of providing lodging throughout the county, including its incorporated cities.

3. The ordinance imposing the tax must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except that collection of the tax by the Reno-Sparks Convention and Visitors Authority must commence on July 1, 1991. The Reno-Sparks Convention and Visitors Authority:

(a) Shall remit all proceeds of the tax imposed on or before June 30, 1992, and any penalty and interest attributable thereto, to the City of Reno 30 days after receipt; and

(b) May not retain any part of the tax, interest or penalties as collection or administrative fee.

4. The proceeds of the tax imposed pursuant to subsection 1:

(a) From July 1, 1991, through June 30, 1992, and any penalties and interest attributable thereto must be used to pay the costs of operation or debt service, or both, of the National Automobile Museum; and

(b) After June 30, 1992, and any penalties and interest attributable thereto must be used to pay the cost of the construction and operation of a multi-purpose bowling facility, including parking and space for other functions ancillary to such a facility.

5. If the Reno-Sparks Convention and Visitors Authority does not approve the construction of the bowling facility on or before June 30, 1992, the collection of the tax must be suspended until such action is taken or June 30, 1993, whichever is earlier. If the collection of the tax is suspended on June 30, 1993, the board of county commissioners shall repeal the ordinance imposing the tax and shall not impose any further taxes pursuant to this section.

6. The county, acting by and through the Reno-Sparks Convention and Visitors Authority, may pledge any money received from the proceeds of the tax imposed pursuant to this section with revenue derived from the project that is described in paragraph (b) of subsection 4, including any existing or future extensions or enlargements thereof, for the payment of general or

special obligations issued for the project. A pledge pursuant to this subsection may include the tax authorized by this section and other taxes imposed on the rental of transient lodging that are available for pledge by the Reno-Sparks Convention and Visitors Authority. Any money pledged by the county pursuant to this subsection may be treated as pledged revenues of the project for the purposes of subsection 2 of NRS 350.020.

Sec. 38. 1. This section and sections 1 to 19, inclusive, 21, 22, 24 to 37, inclusive, and 39 of this act become effective upon passage and approval.

2. Section 20 of this act becomes effective upon passage and approval for the purpose of allocating any tax revenue received from a tax imposed pursuant to section 19 of this act and on July 1, 1991, for all other purposes.

3. Section 23 of this act becomes effective on July 1, 1991.

Sec. 39. If any provision of this act, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are hereby declared to be severable.".

Amend the title of the bill, first line, by deleting "transportation;" and inserting "taxation;".

Amend the title of the bill, fourth line, after "fees;" by inserting: "limiting the total rate of certain taxes in the larger counties; requiring Washoe County to impose a tax on the rental of transient lodging and providing for the use of the proceeds of the tax;".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 125.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 323, 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 34—Congratulating the National Conference of Commissioners on Uniform State Laws on its coming centennial.

Assemblyman Sader moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 56, 58, 66.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Frade, Mss. Lila Gill, Lois Storrs, Lea Pickerring, Ester Fuson, Virginia Page, Helen Swartz and Ouida Kelton.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Connie McNatt, Stephanie Phenix, Lynn Warne, Kathy Hammond, Darlene Amons, Sandra Young and students from Hidden Valley: Matthew Amyx, Samantha Blanton, Casey Coyne, Marissa Dimmitt, Eric Dolan, Brandon Etchemendy, Alisha Feezor, Michelle Frost, Ashley Furner, Brooke Garrett, Clarissa Hammon, Andrew Hammond, Rebecca Longworth, Kristine Keck, Morgan Markkanen, Nathan Miller, Tommy Nelson, Erin Phenix, Josh Reddig, Lindsay Schott, Adam Stamos, Jonathon Stanco, Shawn Stocking, Jessica Trombley, Jeremy Turner, Carissa Hall, Adriana Montonya, Naomi Austin, Michael Baldwin, Rachael Becan, Ben Bergstrom, Tom Bowman, Matt Caviglia, Andrew Comstock, Jessica Fu, Jody Gropp, Mark Havel, Ariane Hillesland, Mark Jones, Mack Kittrell, Chris Lyons, Tammy Malloy, Kevin Mejia, April Murtha, Sarah Olson, Ian Peterson, Meagan Pliske, Justin Reddig, Aparna Reddy, Andres Valles, Angela Wilde, Jerome Young, Sheri Brantley, Mike Angelini, Chris Bates, Leslie Beck, Jordan Benle, Robyn Berent, April Curlett, Shane Dyer, Zach Cianska, Rebecca Harris, Jennette Hill, Jennifer Hill, Stephanie Knauss, Daniel Lan, P. J. Larsen, Melissa Link, Mike Livernash, Tony Mayorga, Elizabeth Nelson, Geoff Nicholson, Jason Pistone, Allison Sheldon, Brandi Steele, Ron Tibaduiza, Marcy Young and Alex Meja.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to students from Reno High School: Alisa Arnoldsen, Bryce Bland, Heather Burkham, Nicole Carrier, Heather Crawley, George Daforno, Chad Dolan, Nersi Elahi-Shirazi, Marc Fredianelli, Kelly Gancarek, Sam Parks, Sean Garecht, Brett Grant, Keeli Killian, Roberta Lange, Robert Lovino, Yvonne Lum, Matt Marcewicz, Craig Martindale, Kaelan McCorkle, Ron Parsons, Stacy Perkins, Amanda Person, Erin Riley, Erin Rose, Pat Rucker, Luz Maria Vardin, Gina Vergilio, James Williams, Todd Zucco, Ben Bowler, Krista Colletii, Caelan McGee, James Dodrill, Jeff Weyant, Mike Fordham, Curtis Gregory, Chad

Herrin, David Kimbrel, Kate Kirby, Carry Meaders, Eric Moberg, Andrea Noble, Mary Kay Orgill, Laura Plato, Erica Stevens, Erin Ostrom and Denise Trakas.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jean Marc Bajoit.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Walls, Harrington, Martinez, Cooney, Berreth, Johnson, Davis, Meissner, Mr. Billy Ruch and students from Lovelock Elementary School: Alexa Allen, Jason Anderson, Francisco Castro, Angela Cheney, Esteban Cordova, David Corpus, Sandra Covarrubias, Chris Faulkner, Steven Fecht, Meri Gonzalez, Josh Hellbusch, Tara Jarvis, Andrea Joy, Casey Kiel, Alex King, Nancy Lopez, Guy Maher, Stacy Marler, Nathan Martinez, Anthony Rhodes, Stephanie Rhodes, Mandy Safford, Mandy Scilacci, Nathan Swindlehurst, Lacey Wilcox, Jessica Clark, Sidney Dieter, Ryan Bicomdoa, Eugene Bordiakercher, Scott Burke, Danielle Cerini, Loren Cooney, Kyle Davis, Travis Diarte, Sarah Frazier, J. R. Hunt, Sally Johnson, Yvonne Leyua, Amber Lopez, Lupita Madriz, Leah Maita, Neisha Martinez, Beth Mears, Bri Mears, Karla Moore, Campbell Pontius, Coby Richardson, Jason Santos, Tony Saralegui, Josh Smith, Asheley Starr, Nikki Starr, Ben Timpson, Brian Tyler and Amber Lee.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Lisiewski and Mrs. Pat Lisiewski.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 15, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 15, 1991

Assembly called to order at 8:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Price, who was excused for the purpose of attending a meeting of the National Conference of State Legislatures.

Prayer by the Chaplain, The Reverend David Camp.

Eternal Lord, we remember Your promise that wherever two or three are gathered in Your name, You are in the midst of them. In this prayer we bring to You the members of this body, its officers and its servants, for Your blessing; persons who feel the weight of responsibility and the need for guidance. Bestow on them courage to do the right as You have given them to see the right and make it clear to us all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing an Irish ballad sung by Mr. William Marks.

Assembly in recess at 8:08 a.m.

### ASSEMBLY IN SESSION

At 8:11 a.m.

Mr. Speaker presiding.

Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 27.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## COMMUNICATIONS

HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

March 13, 1991

THE HONORABLE JOSEPH E. DINI, JR., *Speaker,* Nevada State Assembly, Carson City, Nevada 89710

DEAR SPEAKER DINI:

As you know, there are many issues of joint concern to Nevada's Congressional Delegation and the Nevada Legislature. I believe that it is vital for our federal and state legislators to maintain our open lines of communication; therefore, I request the privilege of addressing the Nevada State Legislature on March 27th.

Thanks for your attention to this, Joe. Please contact me or my Administrative Assistant, John Fadgen, at your earliest convenience.

Sincerely,

JAMES H. BILBRAY
*Member of Congress*

THE COUNCIL OF STATE GOVERNMENTS
WESTERN OFFICE
121 SECOND STREET, 4TH FLOOR
SAN FRANCISCO, CALIFORNIA

February 25, 1991

HONORABLE JOSEPH E. DINI, JR., *Speaker,* Nevada Assembly, State Capitol, Carson City, Nevada 89710

DEAR SPEAKER DINI:

During each legislative session year the Western Legislative Conference (WLC) makes state visits to each member state. We are hopeful that we can do this in 1991 during the week of April 15, 1991.

In addition to meeting legislators, explaining the role of CSG and the WLC and its 1991-92 workplan, we have also been making presentations on WESTRENDS work in progress. That work has centered on the infrastructure needs of the West through the year 2000. We have chapters complete on education, corrections and transportation thus far and should have some others by April.

We would like an opportunity to make a short presentation—about 30 minutes—to as many legislators as possible. In addition, we would like to have lunch or dinner with the leadership of both houses.

If this proposal is agreeable, perhaps you and Senator Vergiels would like to designate someone to work with us to set things up.

I hope all is going well for the 1991 session. I look forward to "coming home" to the Nevada Legislature.

Sincerely,

ANDREW P. GROSE
*Director*

THE AMERICAN LEGION
NEVADA DEPARTMENT
CARSON CITY, NEVADA 89702

March 4, 1991

ASSEMBLYMAN JOE DINI, *Assembly Speaker,* Nevada Assembly, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I have been informed that the national commander of The American Legion, Robert S. Turner, will visit Nevada from Washington, D.C., on May 12, 13, 14, 1991.

He has indicated to us that he certainly would welcome the opportunity to address either a joint or recess session of the Nevada Legislature on May 13 or May 14, if your time schedule permits.

Commander Turner has highly commended Nevada for being the first state to pass legislation this year in support of a Constitutional amendment protecting the U.S. Flag and would like to reiterate that support in person to members of the 1991 session.

Consequently, we hope such an appearance can fit into your busy schedule. If such is possible, would you please give me your decision at your earliest convenience so that we can begin our planning for the event?

A representative of the Nevada Department can be reached at 882-1943 in Carson City if you have any questions about this.

Thank you, on behalf of the Nevada Department, for consideration given to this request. We appreciate the cooperation you have shown to our Department.

Kindest regards.

Sincerely,

DALE R. SALMEN
*Commander*
Nevada Department,
The American Legion

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that Representative James H. Bilbray will address a Joint Session of the Legislature on Wednesday, March 27, 1991 at 11:00 a.m.

Mr. Speaker announced that Andrew P. Grose, Director of the Western Office of the Council of State Governments will address a Joint Recess of the Senate and Assembly on Tuesday, April 16, 1991 at 11:00 a.m.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Arberry, Spitler, Humke, Callister, Marvel, McGinness, Goetting, Giunchigliani, Heller, Myrna Williams, Stout, Porter, Wendell Williams, Kerns, Johnson, Anderson, Bache, Norton, Haller, Bennett, Petrak, Krenzer, Freeman and Gibbons:

Assembly Bill No. 418—An Act relating to taxation; creating in the department of taxation the office for the collection and enforcement of the tax on controlled substances; providing duties for the chief of the office; requiring that an agency of criminal justice provide certain information to the office upon request; creating the account for the enforcement of the tax on controlled substances; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 80.

Amend sec. 3, page 2, by deleting lines 14 through 36 and inserting:

"*(b) Unless the operator is wearing a personal flotation device of a type approved by the United States Coast Guard and prescribed by the regulations of the commission.*

*(c) Unless the operator is at least 12 years of age.*

*2. There is prima facie evidence that a person is operating a personal watercraft in a reckless or negligent manner if that person commits two or more of the following acts simultaneously:*

*(a) Operates the personal watercraft within a zone closer than 5 lengths of the longest vessel, unless both are leaving a flat wake or traveling at a speed of not more than 5 nautical miles per hour.*

*(b) Operates the personal watercraft in the vicinity of a motorboat in a manner that obstructs the visibility of either operator.*

*(c) Heads into the wake of a motorboat which is within a zone closer than 5 lengths of the longest vessel and causes one-half or more of the length of the personal watercraft to leave the water.*

*(d) Within a zone closer than 5 lengths of the longest vessel, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid collision.*

*3. As used in this section, "personal watercraft" means a class A motorboat which:*

*(a) Is less than 13 feet in length;*

*(b) Is designed to be operated by a person sitting, standing or kneeling on, rather than in, the motorboat;*

*(c) Is capable of performing sharp turns or quick maneuvers; and*

*(d) Has a motor that exceeds 10 horsepower.*".

Amend sec. 4, page 2, line 40, by deleting "*square*" and inserting: "*in height by 12 inches in width*".

Amend sec. 4, page 3, by deleting line 2 and inserting: "*unless the vessel is operated at a speed that leaves a flat wake, but in no case may the vessel be operated at a speed greater than 5 nautical miles per hour.*".

Amend the bill as a whole by renumbering sections 5 through 10 as sections 6 through 11 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. "Commission" means the board of wildlife commissioners.

2. *"Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.*

3. "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the state or any political subdivision of the state under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

[3.] *4.* "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

[4.] *5.* "Operate" means to navigate or otherwise use a motorboat or a vessel.

[5.] *6.* "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

"Owner" does not include a person defined as a "legal owner" under subsection 2.

[6.] *7.* "Registered owner" means the person registered by the commission as the owner of a vessel.

[7.] *8.* "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

[8.] *9.* "Waters of this state" means any waters within the territorial limits of this state.".

Amend sec. 5, page 3, after line 47, by inserting:

"*6. Every vessel, whether propelled by sail or machinery, when anchored or moored between sunset and sunrise where other vessels may navigate must display a white light clearly visible in all directions.*".

Amend sec. 5, page 4, line 1, by deleting "*6.*" and inserting "*7.*".

Amend sec. 5, page 4, line 6, by deleting: "*remove and destroy,*" and inserting "*seize,*".

Amend sec. 5, page 4, line 7, by deleting: "*removed and destroyed,*" and inserting "*seized,*".

Amend sec. 6, page 4, by deleting lines 11 through 13 and inserting: "pant must stand erect, every vessel must carry at least one [life preserver, life belt, ring buoy, buoyant vest or buoyant cushion] *personal flotation device* of a type approved by the United States Coast Guard [or other device of the sort] *and* prescribed by the".

Amend sec. 6, page 4, line 17, by deleting "life preserver" and inserting: "[life preserver] *personal flotation device*".

Amend sec. 8, page 5, line 3, after "unless" by inserting: "*the operator is at least 12 years of age and*".

Amend sec. 8, page 5, line 4, by deleting "*competent*".

Amend sec. 8, page 5, line 9, by deleting "*square inches*" and inserting: "*inches in height by 12 inches in width*".

Amend sec. 8, page 5, by deleting lines 12 through 14 and inserting:

"*3. When within 100 feet of the person in the water, every vessel, other than the vessel towing him, must be operated at a speed that leaves a flat wake, but in no case may it be operated at a speed greater than 5 nautical miles per hour.*".

Amend sec. 9, page 5, by deleting lines 28 through 31 and inserting:

"*(a) A river channel or the entrance to a harbor or marina; and*

*(b) That area within a 100-yard radius of a boat ramp built and maintained*".

Amend the title of the bill, third line, after "watercraft;" by inserting: "prohibiting the operation of certain vessels by a person under 12 years of age;".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 119.

Amend section 1, page 1, line 2, by deleting "6," and inserting "7,".

Amend sec. 2, page 1, line 6, by deleting "*telephone line;*" and inserting: "*living situation which is capable of meeting the standards set in the general rules and individual conditions for electronic supervision;*".

Amend sec. 4, page 1, line 15, after "*set*" by inserting: "*an application fee and*".

Amend sec. 4, page 1, line 17, by deleting "*fee*" and inserting "*fees*".

Amend sec. 6, page 1, line 21, by deleting "*may*" and inserting "*shall*".

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

"Sec. 7. *With the approval of the court of jurisdiction for the particular case, the sheriff may supervise an unconvicted person detained before his trial in the manner provided for convicted prisoners in sections 2 to 6, inclusive, of this act. If such approval is given, the provisions of sections 2 to 6, inclusive, of this act apply to the unconvicted person in the same manner as they apply to a convicted prisoner.*".

Amend sec. 7, page 1, line 26, by deleting "*6,*" and inserting "*7,*".

Amend sec. 8, page 2, by deleting lines 28 through 30 and inserting:

"(b) Commits an act which endangers human life; [or]

(c) Intentionally disobeys a rule of the jail [,] *; or*

*(d) Intentionally disobeys a rule or individual condition established pursuant to section 6 of this act,*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 177.

Amend section 1, page 1, line 2, by deleting "$510,521" and inserting "$458,371".

Amend section 1, page 1, line 3, by deleting "53" and inserting "50".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 102, 114, 134, 175, 219, 269, 332; Senate Bills Nos. 16, 67, 73, 97, 102, 103, 125, 131 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nancy Ernaut.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 18, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 8:30 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 18, 1991

Assembly called to order at 10:33 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Garner, who was excused.

Prayer by the Chaplain, George Groth.

Our Father in Heaven, we are truly grateful on this beautiful day to be herein assembled and to give thanks to Thee for the rain and snow which Thou hast sent to replenish our parched valleys and our beautiful Sierra Nevada mountains. We are grateful to live in this free country, and to be able to participate in this great democratic process, and would ask Thy choicest blessings on those who will participate here today. In the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 77, 84, 90, 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 26.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Callister, Porter, Evans, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Arberry, Sader, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Bayley, Haller, Scherer, McGinness, Spitler, Humke, McGaughey, Garner, Little, Stout, Elliott, Giunchigliani, Carpenter, Dini, Hardy, Heller and Myrna Williams:

Assembly Bill No. 419—An Act relating to air pollution; requiring certain owners and lessors of fleets of motor vehicles to purchase or lease vehicles that use an alternative fuel; requiring the state environmental commission to adopt regulations concerning the use of alternative fuels; requiring the use in certain counties of a device which prevents vapors emitted while a motor vehicle is being fueled from being released into the atmosphere; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:39 a.m.

ASSEMBLY IN SESSION

At 10:48 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 420—An Act relating to indigent persons; revising the determination of residency for purposes relating to the care of an indigent person; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 421—An Act relating to the protection of children; authorizing the appointment of a panel of citizens to conduct a periodic review of the placement of a child in need of protection; authorizing a court to place such a child in the permanent custody of a suitable relative;

authorizing the court to dispense with certain hearings to review the disposition of the case if the permanent placement of the child has been approved by the court; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.
Bill read third time.
Remarks by Assemblyman Petrak.
Roll call on Assembly Bill No. 4:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.
Bill read third time.
Remarks by Assemblyman Goetting.
Roll call on Assembly Bill No. 102:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 114:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 134:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 169.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 169:
YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 174.
Bill read third time.
Remarks by Assemblymen Bennett, Elliott and Lambert.
Roll call on Assembly Bill No. 174:
YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 175.
Bill read third time.
Remarks by Assemblyman Haller.
Roll call on Assembly Bill No. 175:
YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:08 a.m.

## ASSEMBLY IN SESSION

At 11:09 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 219.
Bill read third time.
Remarks by Assemblyman Bayley.

Roll call on Assembly Bill No. 219:
YEAS—40.
NAYS—None.
Absent—Garner, Mr. Speaker.

Assembly Bill No. 219 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 269.
Bill read third time.
Remarks by Assemblymen Evans and Gibbons.
Conflict of interest declared by Assemblyman Gibbons.
Roll call on Assembly Bill No. 269:
YEAS—39.
NAYS—None.
Absent—Garner, Mr. Speaker.
Not voting—Gibbons.

Assembly Bill No. 269 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:12 a.m.

## ASSEMBLY IN SESSION

At 11:15 a.m. Mr. Speaker presiding.
Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 323.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Assembly Bill No. 323:
YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 332.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 332:
YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 353.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 353:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 357:

YEAS—41.
NAYS—None.
Absent—Garner.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Stout.

Roll call on Senate Bill No. 16:

YEAS—41.
NAYS—None.
Absent—Garner.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblymen Sader, Norton, Wendell Williams, Freeman, Arberry, Giunchigliani, Krenzer, Porter and Price.

Assemblymen Evans, Wendell Williams and Porter moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 67.

Conflict of interest declared by Assemblyman Norton.

Roll call on Senate Bill No. 67:

YEAS—31.

NAYS—Arberry, Bache, Freeman, Giunchigliani, Haller, Porter, Price, Myrna Williams, Wendell Williams—9.

Absent—Garner.

Not voting—Norton.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblymen Elliott, Myrna Williams, Wendell Williams, Johnson, Giunchigliani and Sader.

Roll call on Senate Bill No. 73:

YEAS—31.

NAYS—Arberry, Evans, Freeman, Giunchigliani, Haller, Porter, Price, Scherer, Myrna Williams, Wendell Williams—10.

Absent—Garner.

Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 97:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Senate Bill No. 102:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 103:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 112:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 125:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblymen Scherer and Stout.

Roll call on Senate Bill No. 131:

YEAS—41.

NAYS—None.

Absent—Garner.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 35—Commending Thurman Parsons for his outstanding public service and contributions to the State of Nevada.

WHEREAS, Thurman Parsons was born on September 27, 1906, to Owen and Charlotte Parsons of Montello, Nevada; and

WHEREAS, While growing up in Montello, Thurman Parsons became intrigued by trains and began working for Southern Pacific Railroad when he was only 14 years old, and 51 years later retired as the Chief Clerk in the Freight Office; and

WHEREAS, Thurman Parsons moved to Washoe County in 1925 when he was 19 years old, but it was not until August 7, 1937, that he would marry his wife for the past 53 years, Carol Stratton; and

WHEREAS, Throughout his life Thurman Parsons has demonstrated his concern for fellow Nevadans by spending much of his life helping the youth of Washoe County and Nevada; and

WHEREAS, Thurman Parsons has been a Master Mason for 46 years, a Scottish Rite Mason, an Eastern Star Mason and a Shrine Mason, serving for 42 years in each organization; and

WHEREAS, During the past 46 years as a Mason, Thurman Parsons has been elected to many honorable positions including "Worthy Patron" in Adah Chapter Number 4, and "Grand Sentinal" and "Worthy Grand Patron of the Grand Chapter," of the Order of Eastern Star for the State of Nevada; and

WHEREAS, Thurman Parsons has been a member of the International Executive Board of Advisors for the International Order of Rainbow for Girls, served on the Adult Boards of Advisors for the Mt. Rose Assembly and the DeMolay for Boys, and was responsible for the formation of Bethel # 2 of the International Order of Job's Daughters; and

WHEREAS, Thurman and his wife Carol spent many summers working at the "Y.W.C.A. Girls Camp" repairing cabins, building porches and chaperoning the girls; and

WHEREAS, It comes as no surprise that Thurman Parson's personal motto has been "to serve whenever and wherever needed"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the Nevada Legislature commend Thurman Parsons for his outstanding service and contributions to the youth and the other members of his community and of this state; and be it further

RESOLVED, That Thurman Parsons is further commended for always giving of himself to the betterment of others; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to Mr. Thurman Parsons.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted unanimously.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 36—Commending Harry E. "Bud" Smith for his outstanding public service and contributions to the State of Nevada.

WHEREAS, Harry E. "Bud" Smith was born in Lovelock, Nevada, on July 27, 1913, and by 1919 his parents moved Bud's family to Sparks, Nevada, where Bud has lived for the past 72 years; and

WHEREAS, Bud Smith married Dorothy Howard on October 28, 1935, and out of this 56-year marriage came 3 sons, 1 daughter, 14 grandchildren and 9 great grandchildren; and

WHEREAS, After Bud Smith graduated from Sparks High School in 1931 he went to work for the Southern Pacific Railroad Company where he worked for 40 years, retiring in 1975; and

WHEREAS, Bud Smith has been a Member of Wadsworth Lodge Number 25 and a Master Mason for 48 years, a Scottish Rite Mason and a York Rite Mason, a Member in the Order of The White Shrine of Jerusalem, Friendship Shrine Number 54, an Eastern Star Mason for 45 years, and was initiated into Kerak Shrine Temple (A.A.O.N.M.S.) in 1969; and

WHEREAS, Bud has been involved with numerous Shrine organizations, clubs and units, including becoming a Charter Member and Past Chief Klown of the Kerak Shrine Klown Unit, Charter Member of and Past Wagon Master of the Kerak Shrine Karavaners Club, Charter Member of the Kerak Washoe Hillbilly Clan # 115, Honorary Life Member of the Kerak Provost Marshal Unit, Member of the Kerak Crescent Shrine Club and Member of the Royal Order of Jesters, Court # 33; and

WHEREAS, While serving with the several Shrine organizations, Bud has helped raise money for the Shrine Circus and in 1987 he was presented a "Fez" with the title of "Mr. Circus" imprinted on it in recognition for his many years of service to the Shrine Circus; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the Nevada Legislature extend their heartfelt appreciation to Harry E. "Bud" Smith for his lifetime of contributions and dedicated service to the State of Nevada; and be it further

RESOLVED, That Bud Smith is hereby commended for his years of participation in the various service organizations and clubs including the many years he has spent helping with the Shrine Circus; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Harry E. "Bud" Smith.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted unanimously.

Assemblyman McGaughey gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 131 was this day passed.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 277; Senate Bill No. 63; Assembly Concurrent Resolution No. 27; Senate Concurrent Resolution No. 23.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Adele Nowicki, Lori Saland, M'Lisa Fisher, Diana Nelson Cox, Anne Sapeta, Mr. Chuck Kelley and students from Roger Corbett Elementary School, Reno: Laura Balmat, Kathleen Westley, Santiago Quintero, Jeremy Rejon, Patrick Anderline, John Beale, Roger Brown, Sinead Caldwell, Mendi Clarkson, Stephen Culver, Anthony Darcy, James Emery, Michael Gardipe, Cynthia Hall, Garick Harjo, Ana Hernandez, Maria Karlenzig, Eddy Lopez, Melissa Lucier, Catherine Parks, Patinya Perrapitayamongkol, Susanna Rodrigues, Luis Ruano, Jesus Sanchez, Vanessa Taylor, Bianca Townsend, Gerardo Villa, Randal Walker, Jonathan Zuniga, Bruce Anderson, Jasmine Barnett, Monica Blaney, Jose Campos, Stacey Davis, Marlena Eben, Robert Heikkinen, Sidalia Herrera, Julio Jiminez, Travess Kolosky, Rick Melendez, Lissette Orozco, Troy Owen, Diana Porter, Geraldine Rambeau, Davis Rettagliata, Sateki Taukiuvea, Trisha Taylor, Joshua Vestal, Keri Wadsworth, Gion Wu, Ronald Fasenmyer, Emily Gonzalez, Gilda Tsosie and Nicholas Bowen.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Norman Waller, Tim Green, Mark Higgins, Mss. Marsha Livingston, Peggy Lorge and students from Pyramid Lake High School: Ricky Scott, Jay Scott, Chris Scott, Tracy Calvin, Jon Wadsworth, Joanie Wadsworth, Annissa Frazier, Melissa Frazier, John Picotte, Rebecca Wadsworth, Elliot Ramirez, Jessica Ramirez, Rosie Hawley, Holly Newmoon, George Newmoon, Carlos Melendez, Albert Hernandez, Lyle Stump, Desmond Mitchell, Jason Osborne, Eddy Dick, David Christy, Darian Lowery, Jamie Williams and DeWanda Jackson.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Harry Spriggs, Mrs. Joyce Spriggs, Mr. Wayne Berg and Mrs. Sue Berg.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 19, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 19, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, in Your word You tell us to be still and know that You are God. Things are so hectic. We have been so busy. We now take a moment of quiet stillness to know You and ourselves. We acknowledge our need for You. Please hear us. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 317, 318; Senate Bill No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 79, 105, 107, 111, 121, 150, 161, 163, 176, 199, 225.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 210, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 40, 105, 192, 211, 292, 296, 301.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 219.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 64, 69.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 20.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 110 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 148 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 76 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

Senate Joint Resolution No. 9:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 20:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 422—An Act relating to statutes; making technical corrections to inappropriate or inaccurate statutory terms; clarifying ambiguous provisions; deleting obsolete provisions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 423—An Act relating to gaming; providing that certain promotional schemes are not lotteries; designating agents of the state gaming

control board as peace officers for certain purposes; authorizing the designation of hearing examiners for certain disputes; prohibiting the possession of certain devices off the premises of a licensed gaming establishment; providing a penalty; making various technical changes; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 424—An Act relating to gaming; revising the provisions governing the categories of gaming licensees whose financial statements must be audited; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 425—An Act relating to gaming; making various changes concerning the determination of the gross revenue of gaming licensees; providing a credit for prepaid license fees for certain corporations and partnerships; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 426—An Act relating to criminal actions; revising the jury instruction concerning reasonable doubt; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 427—An Act relating to gaming; revising the licensing fee for conducting off-track pari-mutuel wagering on racing; establishing an additional fee to be paid by a person who furnishes certain information to gaming establishments which have been approved to conduct off-track pari-mutuel wagering on racing; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 428—An Act relating to gaming; making various changes relating to the regulation of gaming; including junket representatives within the definition of a "gaming employee"; increasing the authority

of certain agents of the state gaming control board to exercise the powers of peace officers; authorizing the board to select disseminators without a hearing; requiring the licensure of an operator of an off-track pari-mutuel system; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 429—An Act relating to criminal procedure; authorizing a court to appoint a psychologist to examine a person with respect to his mental condition in various criminal proceedings; providing that a psychologist may review the mental condition of certain persons to determine their eligibility for parole or probation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Elliott:

Assembly Bill No. 430—An Act making an appropriation to the Carson City Children's Museum for expenses relating to the repair and refurbishing of the Carson City Civic Auditorium for use as a children's museum; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Elliott:

Assembly Bill No. 431—An Act relating to taxation; imposing an excise tax on the rental or lease of a recording on video tape or laser disc and certain sales of bicycles and tires; requiring a local government that has granted a franchise to a community antenna television company to impose certain surcharges on each subscription of the service; and providing other matters properly relating thereto.

Assemblyman Elliott moved that the bill be referred to the Concurrent Committees on Taxation and Commerce.

Motion carried.

By Assemblyman Elliott:

Assembly Bill No. 432—An Act relating to taxation; imposing a tax on a promoter of certain productions; imposing a tax on a person who receives an admission fee for exhibiting certain productions on closed-circuit telecast or motion picture; and providing other matters properly relating thereto.

Assemblyman Elliott moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Spriggs:

Assembly Bill No. 433—An Act incorporating the City of Pahrump, in Nye County, Nevada, pursuant to charter; making the incorporation contingent upon approval by the qualified electors of the city; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry and Wendell Williams:

Assembly Bill No. 434—An Act making an appropriation to the health division of the department of human resources to develop and carry out pilot programs concerning sickle cell anemia; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 435—An Act relating to gaming; clarifying the provision governing the monthly fee for a state gaming license; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 40.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 41.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 105.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 192.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 211.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 219.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 292.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 296.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 301.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Pettyjohn moved that Assembly Bill No. 366 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblymen Pettyjohn, Callister and Myrna Williams.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 37—Providing that the Nevada Legislature agrees that the Board of Regents is to consist of 11 members for the purposes of reapportionment and redistricting by the 66th session of the Nevada Legislature.

Assemblyman Evans moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 27.

Assemblyman Bergevin moved the adoption of the resolution.

Remarks by Assemblyman Bergevin.

Resolution adopted.

## SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 174.

Amend section 1, page 2, line 19, after "*provided in*" by inserting: "*subsection 4 or*".

Amend section 1, page 2, after line 25, by inserting:

"*4. A county may waive all or part of any penalty due pursuant to subsection 3 if the board of county commissioners issues a written finding that the license fees were not paid in a timely manner as a result of circumstances beyond the licensee's control.*

*5. Where the operator of a slot machine route is contractually responsible for the payment of license fees for a particular establishment which holds a restricted license, the operator is also responsible for the payment of any penalties imposed for late payment of those license fees. In such a case, the owner of the establishment is not responsible for the payment of any penalties so imposed.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 190.

Amend section 1, page 1, line 19, by deleting "*Shall*" and inserting: "*Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services,*".

Amend section 1, page 2, line 2, by deleting "*between*" and inserting: "*among nonprofit organizations,*".

Amend section 1, page 2, line 15, after "*(e)*" by inserting: "*May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him which he deems necessary for his performance of the duties imposed upon him pursuant to this section.*

*(f)*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 77.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 90.

Bill read second time and ordered to third reading.

Senate Bill No. 93.

Bill read second time and ordered to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

## ASSEMBLY IN SESSION

At 11:55 a.m. Mr. Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

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

Amendment No. 97.

Amend the bill as a whole by deleting sec. 12 and inserting new sections designated sections 12 and 13, following sec. 11, to read as follows:

"Sec. 12. NRS 268.440 is hereby amended to read as follows:

268.440 The city council or other governing body of each incorporated city in the State of Nevada, whether or not organized under general law or special charter, may include in the budget of [such] *the* city items to cover the expense of exploiting, promoting and publishing to homeseekers, business organizations and the public at large, by any means in their judgment calculated to accomplish such purpose, the industrial, recreational, *cultural,* agricultural, mining and other resources, progress and advantages of [such] *the* city, and, for such purposes, may enter into contracts with, and pay [moneys] *money* so budgeted to, any person, group, corporation, agency or commission. None of the [moneys] *money* so budgeted may be used or paid out for any purpose or project unless an equal amount of money is provided from private sources for such purpose or project.

Sec. 13. NRS 268.450 is hereby amended to read as follows:

268.450 1. "Public works" as used in this section means any facilities necessary for carrying on community life substantially expanded by the national defense program, but the activities authorized under this section [shall] *must* be devoted primarily to school, waterworks, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for

the treatment and purification of water, hospitals and other places for the care of the sick, recreational *and cultural* facilities and streets and access roads.

2. In addition to any authority or power provided by the charter of any incorporated city in this state, whether incorporated by general or special act, or otherwise, there is granted to the governing body of each of the cities incorporated under any law of this state the power and authority to accept loans or grants for the purpose of providing public works and equipment, as provided in Title 42, U.S.C. § 1532, including all amendments.''.

Amend the title of the bill by deleting the first line and inserting:

''An Act relating to cultural activities; including cultural activities within the scope of the powers of counties and cities''.

Amend the summary of the bill, after ''county'' by inserting ''and city''.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 148.

Bill read third time.

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

Amendment No. 142.

Amend the bill as a whole by renumbering sec. 21 as sec. 22 and adding a new section designated sec. 21, following sec. 20, to read as follows:

''Sec. 21. 1. Except as otherwise provided in subsection 2, the provisions of chapter 284 of NRS apply to the classified employees of the Nevada rural housing authority until January 1, 1992.

2. The provisions of NRS 284.380 regarding layoffs and reemployment apply to each classified employee of the Nevada rural housing authority who is laid off as a result of the provisions of this act.''.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman McGaughey moved that the vote whereby Senate Bill No. 131 was passed be reconsidered.

Motion carried.

Assemblyman McGaughey moved that Senate Bill No. 131 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McGaughey.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 64, 69.

## REMARKS FROM THE FLOOR

Assemblyman Price requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you, to the body, it is a nice occasion right now providing that the airplane is on time. As you know, we have all been rejoicing and happy that our troops are coming home from the Persian Gulf. I have before me a list of 11 names of Nevada Guard members who at this very moment should be arriving in Reno. I thought it would be appropriate if we read their names into the record, with your permission. We have Dave Snider, Cathy Smith, Ted Brown, Jay Hollinbeck, Ted Wurtsburger, Walt Hoffman, Tim Smith, William Buxton, Chris Sayer, Kenneth Paul and Scott Tracy. All have come home safely and are back with us.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Tom Cook, Mike Cook, Don Stangle, Mrs Roxanne Stangle, Ms. Betty Jacobsen, Messrs. Dave Phumphrey, Jerry Thran, Ken Kjer and Rich Gruber.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Sylvia Lewis, Sybil Ricciardi, Gay Rogers, Pam Nelson and students from Vaughn Middle School, Reno: Emily Ames, Kerrie Anastassatos, Angela Anderson, Amber Banghart, Robert Beck, Anita Boner, Amy Bosch, Jamie Brown, Deana Christy, Renee Claytor, Adam Cleghorn, Jaime Congdon, Jennifer Coxey, Milena Dardic, Cynthia Davis, Jon Delsanto, Yvonne Dobyns, Luke Drakulich, Sharalee Dyer, Melissa Edwardson, Allison Flemming, Knelli Garrett, Carrie Gavin, Greg Gentolizo, Page Goodrich, Heather Guio, Megan Haines, Sarah Hamer, Rebecca Hammond, Keri Henrichsen, Tanner Humiston, Iliko Incze, Amy Jarvie, Scott Jones, Chelsea Jordan, Julie Kealy, Kristen Kelleher, Kara Kesler, Erin Kilrain, Brian King, Arlene Lapasaran, Lindy Lauder, Amy Lee, Sonia Linares, Melinda Lisle, Jennifer Lolli, Andrea Loudenburg, Jennifer Maranda, Angela Miller, Dong Min, Norma Moran, Yvette Moreno, Jennifer Nelson, Bing Ng, Tung Ng, Hanh Nyguyen, Kathryn North, Nicole Paris, Dan Parkinson, Tim Perry, Angela Reagan, Natale Reyes, Alice Sandoval, Anamarie Sarratea, Thomas Sausser, Mac Sellers, Genevieve Sink, Jennifer Straits, Laura Totten, Jenna Tunnell, Andrea Vels, Jamie Watts, Tara Whitney, Matthew Williams and Shelley Wolff.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Roger Bogich.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. George Harris.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 20, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 20, 1991

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Petrak and Sader, who were excused.

Prayer by the Chaplain, George Groth.

Our Father in Heaven, we thank Thee this day for the cessation of hostilities in the Gulf and are grateful we did not suffer a tremendous loss of life there. Grant that those members of our Armed Forces may return to their homes and jobs in safety and that we might join their families in welcoming them home. Be with us this day to give us guidance and protect us in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Concurrent Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 19, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 35, 36.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 8.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

Assemblyman Porter moved that Assembly Bill No. 317 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 147 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Bergevin moved that Assembly Bill No. 167 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bergevin.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 436—An Act relating to town boards; expanding certain town boards' powers relating to planning and public health; requiring a minimum population for the creation of certain towns; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 141.

Amend section 1, page 1, by deleting lines 2 through 21 and inserting:

"386.320 1. If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:

(a) The clerk and president of the board of trustees may each receive a salary of [$20] *$70* for each board of trustees meeting they attend, not to exceed [$40] *$140* a month.

(b) The other trustees may each receive a salary of [$15] *$65* for each board of trustees meeting they attend, not to exceed [$30] *$130* a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and [such] *the* stenographer may be paid a reasonable fee for each meeting attended.

2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:

(a) The clerk and president of the board of trustees may each receive a salary of [$55] *$70* for each board of trustees meeting they attend, not to exceed [$220] *$280* a month.

(b) The other trustees may each receive a salary of [$50] *$65* for each board of trustees meeting they attend, not to exceed [$200] *$260* a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees [; and this] , *and the* stenographer may be paid a reasonable fee for each meeting attended.".

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

"Sec. 2. NRS 386.320 is hereby amended to read as follows:

386.320 1. If the total pupil enrollment in the school district for the immediately preceding school year is less than 1,000:

(a) The clerk and president of the board of trustees may each receive a salary of [$70] *$85* for each board of trustees meeting they attend, not to exceed [$140] *$170* a month.

(b) The other trustees may each receive a salary of [$65] *$80* for each board of trustees meeting they attend, not to exceed [$130] *$160* a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

2. If the total pupil enrollment in the school district for the immediately preceding school year is 1,000 or more:

(a) The clerk and president of the board of trustees may each receive a salary of [$70] *$85* for each board of trustees meeting they attend, not to exceed [$280] *$340* a month.

(b) The other trustees may each receive a salary of [$65] *$80* for each board of trustees meeting they attend, not to exceed [$260] *$320* a month.

(c) The board of trustees may hire a stenographer to take the minutes of the meetings of the board of trustees, and the stenographer may be paid a reasonable fee for each meeting attended.

Sec. 3. 1. This section and section 1 of this act become effective on July 1, 1991.

2. Section 2 of this act becomes effective on July 1, 1992.".

Amend the title of the bill, first line, after "districts;" by inserting "progressively".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 189.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*On or after July 1, 1991, the*".

Amend section 1, page 1, line 15, after "*distribute*" by inserting "*additional*".

Amend section 1, page 1, line 17, by deleting the period and inserting: "*for pupils in that school.*".

Amend section 1, page 1, line 19, by deleting the period and inserting: "*for any particular school.*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 318.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 121.

Amend sec. 2, page 1, line 4, by deleting "*construction,*" and inserting "*renovation,*".

Amend sec. 2, page 1, line 5, after "*street,*" by inserting "*drainage facility,*".

Amend sec. 2, page 1, line 9, after the period by inserting: "*The term does not include any project to which the provisions of NRS 338.020 apply.*".

Amend sec. 3, page 1, line 10, after "*sheriff*" by inserting: "*or chief of police of the municipality*".

Amend sec. 3, page 1, line 14, by deleting "*may*" and inserting: "*or chief of police shall*".

Amend sec. 4, page 1, line 18, after "*sheriff*" by inserting: "*or chief of police of the municipality*".

Amend sec. 4, page 1, line 19, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 5, page 1, line 22, after "*commissioners*" by inserting: "*or the governing body of a city*".

Amend sec. 6, page 2, line 3, after "*sheriff*" by inserting: "*or chief of police of the municipality*".

Amend sec. 7, page 2, by deleting line 12 and inserting:

"2. *A board of county commissioners or the governing body of a city may authorize the sheriff or chief of police of the municipality to establish*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 201.

Amend section 1, page 1, line 20, by deleting the period and inserting: ", *unless the court determines that substantial detriment to the child will not result from holding such a hearing in open court.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 147.

Bill read second time.

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

Amendment No. 191.

Amend section 1, page 1, line 2, by deleting "The" and inserting:

"*1.* The".

Amend section 1, page 1, between lines 13 and 14, by inserting:

"*2. The aggregate amount of outstanding letters of credit issued by the division must not exceed $5,000,000.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 319.380 is hereby amended to read as follows:

319.380 1. The State of Nevada hereby pledges to and agrees with the holders of any notes or bonds issued under this chapter that the state will not limit or alter the rights vested in the division by this chapter to fulfill the terms of any agreements made with such holders or in any way impair the rights and remedies of such holders until such notes and bonds, together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The division may include this pledge and agreement of the state in any agreement with the holders of such notes or bonds.

2. Obligations issued under the provisions of this chapter , *including letters of credit issued by the division,* do not constitute a debt, liability or obligation of this state or of any political subdivision thereof, or a pledge of the faith and credit of this state or of any political subdivision thereof, but are payable solely from the revenues or assets of the division. Each obligation , *including a letter of credit,* issued under this chapter [shall] *must* contain on the face thereof a statement to the effect that the division is not obligated to pay the obligation or the interest thereon except from the revenues or assets pledged therefor and that neither the faith and credit nor the taxing power of this state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on [such] *the* obligation.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner, Callister and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 77, 84, 90, 93; Assembly Bill No. 167 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 285 be placed on the Second Reading File.

Remarks by Assemblyman Callister.

Motion carried.

By Assemblyman Price:

Assembly Joint Resolution No. 14—Proposing to amend the Nevada constitution to permit revisions or technical corrections to be made to any proposed constitutional amendment if required to clarify the meaning or purpose of the amendment.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 16 of the constitution of the State of Nevada be amended to read as follows:

Section [.] 1. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments , with any revisions or corrections deemed necessary to clarify the meaning or purpose of the proposed amendment or amendments, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2, become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other amendment or amendments compatible with it, shall become a part of the constitution.

3. If after the proposal of an amendment, another amendment is ratified which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the

people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

Assemblyman Price moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 29.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Bache, Spriggs, Anderson and Johnson.

Assemblyman Pettyjohn requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Mr. Speaker, I rise to recognize a most distinguished visitor to our chamber. He is this year's Nevada Medal winner, Dr. Benoit Mandelbrot.

The Nevada Medal is presented by the Desert Research Institute and sponsored by Nevada Bell. The award includes a specially designed medal and a $5,000 prize provided by Nevada Bell's shareowners. The Nevada Medal is awarded each spring, alternately in Reno and Las Vegas to an outstanding scientist whose achievements have greatly contributed to our understanding of the global environment.

This year's award recipient is, indeed, an eminent member of the scientific community. Dr. Mandelbrot has pioneered in the development of Fractal Geometry. For those of you who may not know anything about Fractal Geometry, it has to do with chaos, something that this legislature knows a great deal about. He originated the principles of Fractals which have revolutionized fields ranging from physical science research to modern graphic design. Dr. Mandelbrot's applications are being used on a number of projects in Nevada. For example, in the construction of three-dimensional models of groundwater movement, and as a new technique in water quality management.

Dr. Mandelbrot is the fourth recipient of the Nevada Medal. Former honorees have included Dr. Verner Suomi, inventor of the Spin-Scan weather satellite camera; Dr. Dwight Billings, noted researcher in desert plant ecology and Dr. James Van Allen, whose name is almost synonymous with space exploration.

Dr. Mandelbrot will receive his Nevada Medal in special ceremonies tonight at Harrah's in Reno and I hope all my Assembly colleagues will be able to attend this ceremony, not only to applaud the achievements of Dr. Mandelbrot, but also to recognize the many scientific contributions of our Desert Research Institute, of which we are very proud, and to give a large pat on the back to Nevada Bell for setting a fine example of leadership and good corporate citizenship. It now gives me great pleasure to present for your warm welcome, Dr. Benoit Mandelbrot.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. Through you and to my fellow colleagues, I take pleasure in supporting S.C.R. 29 honoring Dr. Mandelbrot. Dr. Mandelbrot's work in Fractal Geometry provides me with new and different material and concepts to present to my seventh grade students during my Geometry units.

Fractal Geometry can be described as a geometry of natural phenomena such as the shape of a mountain, and as my colleague from northern Nevada referred to the travel of groundwater, and many other items too numerous to describe. These discoveries are useful and will be important in expanding our knowledge of how the world works. Thank you very much.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I just wanted to concur also in the resolution. I have studied Dr. Mandelbrot's work in Fractal Geometry. My brother and I have spent many hours arguing over how to apply this in computer graphics. He is doing quite a successful job of it at the moment and I just wanted to congratulate you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Through you and to you to this honorable body, I wish to add my remarks to those of my distinguished colleague from District 30 and Mrs. Spriggs from Hawthorne.

Geometry, the classical example of Euclid with the straight lines, circles, parabolis etc., have been enlarged by the work or love, in reality, of Dr. Mandelbrot, the fractal, the zigzag line. But what is that to us? Basketballs are still round and the perfect three point shot still has the definable arch of Euclid's predictability. It is in the other part of our lives, the chaos of events that Dr. Mandelbrot's mathematical structure looks at the essential unpredictability of our lives. What may appear as a simple atmospheric change will lead to dramatic chaotic behavior. It is here with an incredible wealth of fractals along whose twists and twirls a representative point of a system may dance like a puppet on a mathematical string, that all of us are entwined. Dr. Mandelbrot has developed models which help all of us see the sum area of our universe with greater predictability. It is indeed a true honor to see such an enlightened force within us all.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I, too, wish to concur with S.C.R. 29. As a scientist, I recognize Dr. Mandelbrot's contribution to science as the originator of the principles of Fractals and their application to Chaos Theory. Personally, I don't think I am clever enough to have applied these to their full tool. I have on occasion had people who worked for me understand the application in groundwater moduling and I can attest to the fact that this is a significant contribution. The State of Nevada is indeed honored by the presence of Dr. Mandelbrot.

Resolution adopted unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 30.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblyman McGinness.

Resolution adopted.

## REMARKS FROM THE FLOOR

Assemblyman Wendell Williams requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise to address this body on Rule 99. I rise with some regret, Mr. Speaker, and with some remorse. I would like to remind the members, my colleagues of this House, when they get a chance, to review the manual that we all proceed by.

In Chapter 13, Section 120, which states, "The rights and duties of members of the legislative body are derived and founded upon the absolute equality of the members. Members must not be permitted by their conduct to deny to others that which they may claim for themselves." It goes on in Chapter 7, Section 52, and says, "In public bodies, the equality of members is presumed. It would seem that for any democratic group to be able to operate, acceptance of the principle of equality of members is essential. Equality seems essential also to secure the acceptance in good faith of decisions of the group." I say that because I introduced a bill in this body back before we had a recess in Las Vegas.

I asked for a hearing of that bill in Las Vegas. I was given a hearing for 15 minutes before the committee adjourned for lunch. The bill was not even posted, so those who would like to have testified on the bill had no knowledge of the bill being heard.

I had a hearing on the bill yesterday. I find it very unfortunate that those who wear blue badges, in this particular case, law enforcement, can dictate to this body how much time members can testify, when they can testify, when they cannot testify. I was so astounded by that that I went back to my office to look at my commission and I realized my commission says the same thing that everybody else's commission says. I think that if we have strong feelings about bills and if we have family members who oppose bills that we should maybe pass the gavel over to our vice chairman and let those people handle that. I find it very inappropriate that lobbyists can dictate to members of this House when they can testify and if they can't testify. If, in fact, the mandate that the people gave to place us in these seats is not as strong as those who come here as lobbyists, then maybe we should look at giving the lobbyists the opportunity of sitting in these chairs and approach the Bar and serve in this Assembly.

It is not that I have bad feelings about the bill because there was no action taken on the bill, so it is not that the bill survived or died, but I had a situation where I asked two people to testify. One was another legislator and one came in from out of town. Law enforcement had one person from out of town. There was not enough time to really testify. I asked that the bill be rescheduled. Law enforcement said "No, we'll hear it now," and we heard it then. I think that we should remind ourselves that we are all here for the equality of each other and we should treat each other with respect, good respect and demand respect. Thank you, very much.

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

Assembly in recess at 11:57 a.m.

## ASSEMBLY IN SESSION

At 12:13 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 437—An Act making an appropriation to the department of motor vehicles and public safety for the expenses relating to the repair and improvement of the offices of the investigation division in Las Vegas; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 438—An Act making a supplemental appropriation to the department of museums and history; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 439—An Act making an appropriation to the state board of examiners to restore the balance of certain funds; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 440—An Act making an appropriation to the department of motor vehicles and public safety for the improvement of facilities and the acquisition of equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 441—An Act making an appropriation to the department of parole and probation for development and installation of a centralized data base system using an agency-wide personal computer network; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 442—An Act making an appropriation to the division of state parks of the department of conservation and natural resources for improvement of park facilities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 443—An Act making an appropriation to the department of the military for the payment of expenses related to maintenance projects, roofing repairs and the replacement of boilers and tanks at armories throughout the state; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 444—An Act making an appropriation to the office of the governor for computer hardware; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 445—An Act making an appropriation to the University of Nevada System to match money from the Federal Government for phase 2 of the experimental program to stimulate competitive research; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 446—An Act making an appropriation to the division of plant industry of the state department of agriculture for expenses relating to the purchase of a replacement vehicle and support equipment for the transportation of weights and measures statewide; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 447—An Act making an appropriation to the division of forestry of the state department of conservation and natural resources for the purchase of replacement equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 448—An Act making a supplemental appropriation to the office of the attorney general for additional litigation expenses relating to the high-level radioactive waste repository; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Haller, Freeman, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Price, Gibbons, Giunchigliani, Goetting, Heller, Johnson, McGinness, Krenzer, Norton, Sader, Hardy, Humke, Scherer, Lambert, Spriggs, Porter, Little, Wendell Williams, Gregory, Wong, McGaughey, Kerns, Myrna Williams, Spitler, Marvel and Pettyjohn:

Assembly Bill No. 449—An Act relating to lotteries; authorizing the operation of a charitable lottery; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 285.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 210.

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

"Section 1. Section 55 of chapter 611, Statutes of Nevada 1989, at page 1357, is hereby amended to read as follows:

Sec. 55. The total amounts appropriated in section 30 of this act to each of the accounts of the welfare division enumerated in section 52 of this act, except for the amounts appropriated for the *state aid to the medically indigent program and the* assistance to the aged and blind programs, are limits, and the division shall not request additional money for these programs.

Sec. 2. There is hereby appropriated from the state general fund to the welfare division of the department of human resources the sum of $2,442,000 for the program of state aid to the medically indigent. This appropriation is supplemental to that made by section 30 of chapter 611, Statutes of Nevada 1989, at page 1350.".

Amend the title of the bill, second line, by deleting "certain programs" and inserting: "a certain program".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblymen Callister and Norton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Price requested that his remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. I would like to take a moment to welcome home more troops. We have five more of our heroes returning today at 2:00 at Reno Airport. They are: Eric Bouring, Timothy Franklin, Glenn Gifford, Matthew Ployer and Harold Harfer. They will be in hopefully at 2:00 this afternoon.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 79, 105, 107, 111, 121, 150, 161, 163, 176, 199, 225; Senate Bills Nos. 16, 67, 73, 97, 102, 103, 125; Assembly Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Dave Rice, Kevin Bell, Doug Bell, Galen Bell and Dr. James Taranik; Mss. Karen Hansen, Elizabeth Warrer and students from E. C. Best School, Fallon: Louie

Ansotequi, Janet Bake, Ben Bassham, Kallie Bell, Raquel Brannum, Jonathan Bynum, Chris Briggs, Robbie Carey, Luke Cunningham, Kyle Ferguson, Rachel Firth, Danny Hyde, Jeremy Judd, Chris Maloy, Jason Muir, Keith Sandefer, Kelli Sorensen, Kori Wallace, Marie Whitaker, Chris White, Kenny Wilson, Pamla Wilson, Amanda Allegre, Crystal Alpert, Kevin Anderson, Kylee Bendickson, Joe Billett, Jaime Daniels, Ryan Harris, Stephanie Hegland, Alex Kowalski, Elizabeth LeSueur, Rose Lupton, Brandon Mills, Tony Nunes, Heidi Perthal, Jilliyn Plummer, Jesse Segura, Michael Skiles, Gretchen Smith, Dave Sugg, Erin Tanner, Brian Thornhill and Rebecca Wilcox.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 21, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTIETH DAY

CARSON CITY (Thursday), March 21, 1991

Assembly called to order at 11:05 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Dini, who was excused.

Prayer by the Chaplain, George Groth.

Our Father in Heaven, we are gathered here today in this beautiful and free country in which we live, and in this wonderful Silver State, and truly give thanks unto Thee for these blessings in our lives. We are again grateful for the moisture which has been sent to bless our lives and ask for continuance of this blessing. We as citizens are thankful for these men and women who serve diligently in this Assembly and ask Thee to bless them with insight into and knowledge of the great problems which our state faces, in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 4, 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 57, 91, 254.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 112.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce:

Assembly Joint Resolution No. 15—Urging Congress to restore commercial category for tax-exempt small-issue industrial development bonds to encourage the development of mobile home parks.

Assemblyman Porter moved that the resolution be referred to the Committee on Commerce.

Motion carried.

Senate Concurrent Resolution No. 14.

Assemblyman Little moved the adoption of the resolution.

Remarks by Assemblyman Little.

Resolution adopted.

Senate Concurrent Resolution No. 19.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 450—An Act relating to mobile home parks; authorizing the administrator of the manufactured housing division of the department of commerce to impose fines for violations of laws concerning mobile home parks; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 451—An Act relating to mobile home parks; revising the provisions governing the restriction of mobile home parks to certain tenants; revising the provisions requiring the dissemination of certain information by landlords to tenants; requiring a landlord to pay interest on certain deposits; requiring the administrator of the manufactured housing division of the department of commerce or his representative to furnish identification

upon request during an investigation; revising certain other provisions governing landlords of mobile home parks; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 452—An Act relating to mobile home parks; allowing the tenants of a mobile home park an option to purchase the park under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 453—An Act relating to mobile home parks; requiring the managers and assistant managers of certain mobile home parks to complete annually continuing education relating to the management of mobile home parks; requiring the administrator of the manufactured housing division of the department of commerce to approve the courses of instruction and the instructors of those courses; authorizing the administrator to impose fines against landlords of certain mobile home parks who employ managers or assistant managers who have not completed a course of continuing education; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 454—An Act relating to tobacco; prohibiting certain transactions by a person who holds both a wholesale and a retail cigarette dealer's license; prohibiting certain sales by a wholesale dealer; increasing the minimum inventory required of a wholesale dealer; increasing the amount of a bond required of a wholesale dealer; changing certain reporting requirements; allowing refunds for certain excise taxes; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 57.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 91.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 254.

Assemblyman Evans moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 86.

Amend sec. 2, page 2, by deleting lines 10 through 14 and inserting: "*property used therefor is owned or leased by the operator and is of sufficient size and capacity to produce more than one-half of the feed required during that year for the agricultural pursuit;*

*(c) Operating a feed lot consisting of at least 50 head of cattle or an equivalent number of animal units of sheep or hogs, for the production of food;*".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 73, 110, 148, 167, 239; Senate Bills Nos. 77, 84, 90, 93 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 317 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Scherer.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 175.

Amend section 1, page 1, line 2, by deleting: "to 5, inclusive," and inserting: ", 3 and 4".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 6 as sections 2 through 5.

Amend sec. 3, page 1, line 9, after "*county*" by inserting: ", *city or town*".

Amend sec. 3, page 1, line 10, by deleting "*the program.*" and inserting: "*a program for release established pursuant to NRS 211.120.*".

Amend sec. 4, page 2, line 2, by deleting the period and inserting: ", *if the employment or paid work as education would provide temporary or permanent replacements for other employees engaged in a labor dispute.*".

Amend sec. 6, page 2, after line 30, by inserting:

"*3. The administrator of such a program must be, respectively, the sheriff, the chief of police, the town marshal or his designee.*".

Amend the title of the bill, second and third lines, by deleting: "authorizing a separate facility for the confinement of such prisoners while not so engaged;".

Amend the summary of the bill, first line, by deleting "county".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 455—An Act relating to the control of floods; clarifying the authority of districts for the control of floods to establish standards and criteria for the design of systems for drainage; limiting the approval required for projects for the control of floods; allowing counties in certain circumstances to borrow money and issue securities for purposes relating to the control of floods; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 456—An Act relating to water pollution; authorizing the state department of conservation and natural resources to issue general permits for the discharge of pollutants into water and the injection of fluids through a well; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 112; Assembly Concurrent Resolutions Nos. 35, 36; Senate Concurrent Resolution No. 27.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Terry Lamuraglia.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. McFadden, Mss.

Malah McFadden, Linda Munoz, Teresa Coon, Karen Achoa and children from Kinderland, Carson City: Katie Dye, Adrienne Jordan, Jennifer Parsons, Jeffery Hurzel, Jason Hayes, Todd Rehbein, Scott O'Brien, Katie Barnes, Jennifer Jaggard, Julie Cave, Sarah Green, Jessie Ayres, Andrew Boucher, Harry Dyer, Jeremiah Schenzel, Chris Konzen, Nokose Long, Abraham Gissen, Katy Marsh, Brandon Carwin, Michael Teixeira, Justus Meredith, Erica Munoz, Kristin Rink, Adam Myers, Kayleen Bohen, Jared Kane, Pamela Toohey, Billy Toohey, Benjamin Peterson, Chace Ault, Jake Marsh, Sarah Ragsdale, Cassidy Smith, Sarv Long, Heather Adams, Marissa Rogers, Amber Johnson, Megan Sulprizio, Anthony Good, Todd Stroup, Jeffery Stroup, Melissa Bowers, Jonas Schenzel, Jennifer McMenomy, Brandon Mackey, Britany Mackey, Sandra Shockley, Ryan Smith, Kaleb Temple, Joshua Temple and Danny Kane.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Neal and students from Reno High School: Josh Anderson, Jon Armen, Nathan Barton, Brandon Burns, Chris Cadloni, Courtney Curry, David Dwyer, Ted Farrell, Dawn Humphrey, Jason Jimenez, Maya Johnson, Jennifer Little, Desiree Lombardo, Cindy Lorenzo, Pamela Parkyn, Nick Porras, Tricia Quesada, Brett Scolari, Alecia Thoma, Emily Vigo, Darren Wallace, Laura MacDonald, Cindy Vu, Stephanie Holloway, Brian Bowles, David Chamberlain, James Dodson, Nerissa Doluntap, Devin Dunlap, Matt Giambruno, Julie Haney, Kristen Jensen, Lucas Koenig, Daniel Neeser, Kevin Orton, Kevin Tirado, Steve Villanueva, Tamara Walker, Kirsten Zimmerman, Chad Davis, Tiffany Sasek, Russ Curtis, Patty Cassinelli, Danica Dolven, Jackie Assal, Lisa Peterson, Meg Ganchan and Gene Navarroza.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John Venditto and Walt Yost.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 22, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTY-FIRST DAY

CARSON CITY (Friday), March 22, 1991

Assembly called to order at 10:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Myrna Williams, who was excused.

Prayer by the Chaplain, George Groth.

Our Father in Heaven, as this Assembly convenes for the final day of business this week, we are grateful for the work that has taken place here on the floor as well as in the committees. We are grateful for the citizens that have taken part in our great democratic process. Grant that we might continue to be inspired by Thee, to love one another and for all to make Nevada a better place by our actions and words, in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Senate Bill No. 3; Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 251, 284, 311, 345; Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 149, 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 198, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 253.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 68, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 95, 256.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Porter, Wendell Williams, Bennett, Gregory, Hardy, Scherer, Bayley, Giunchigliani, Spriggs, McGaughey, Goetting, Myrna Williams, Johnson, Wong, Marvel, Gibbons, Petrak, Anderson, Norton, Evans, Freeman, Carpenter, Lambert, Bache, Haller, Kerns, Little, Krenzer, Bergevin, Garner, Arberry, Stout, Pettyjohn, Heller, Spitler, Humke, McGinness, Elliott, Price, Callister and Sader:

Assembly Concurrent Resolution No. 38—Designating March 22 and 23, 1991, as Nevada 4-H State Capital Days.

WHEREAS, 4-H is one of the largest national and international out-of-school educational programs in the world with 5,000,000 members in the United States and over 42,000 members in the State of Nevada; and

WHEREAS, In the late 19th century, in an effort to reach rural areas with the latest scientific information from agricultural colleges, many states formed organizations called "Farmers' Institutes" and "boys and girls clubs"; and

WHEREAS, In 1914 the Smith-Lever Act established the Cooperative Extension Service and provided the financial support that would be needed for a successful 4-H future; and

WHEREAS, The Board of Regents of the University of Nevada System was authorized to participate in the Cooperative Extension Service by the Nevada Legislature in 1915; and

WHEREAS, Since that time thousands of Nevada's youth between the ages of 9 and 19 have become leaders in communities throughout this state; and

WHEREAS, The present 4-H symbol which was designed 80 years ago is comprised of a green four-leaf clover with a white H on each leaf that stands for Head, Heart, Hands and Health representing the equal training of the head, heart, hands and health of every child; and

WHEREAS, Members participating in 4-H clubs continue to adhere to the 4-H motto "To Make the Best Better," through their participation in community projects and leadership programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 22 and 23, 1991, are hereby designated as Nevada 4-H State Capital Days; and be it further

RESOLVED, That the 4-H clubs of Nevada are to be heartily commended for their interest in our government and the legislative process; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Nevada Cooperative Extension Service of the University of Nevada System.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Bergevin, Carpenter, McGinness, Humke, Scherer, Marvel and Heller.

Resolution adopted unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 383; Senate Bills Nos. 89, 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 457—An Act relating to relations between local governments and employees; requiring local governments and representatives of police officers and firemen to negotiate in good faith and to exhaust prospects of reaching an agreement before submitting a dispute to a factfinder; limiting the time within which such parties may submit a dispute to a factfinder; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 458—An Act relating to the state public works board; revising the qualifications of the manager and his deputies; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 459—An Act relating to local improvements; clarifying the scope of review in any action brought to contest the formation of an improvement district or the computation of assessments; specifying certain factors to be considered in estimating the benefits to be derived from a project; making various changes to the provisions governing notice of certain proceedings; providing for the waiver of certain objections to the validity of the proceedings; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Petrak, Arberry, Porter, Bache, Garner, Norton, Wendell Williams, Haller, Johnson, Anderson, Gibbons, Spitler, Bennett, Krenzer, Wong, Price, Giunchigliani, Freeman, Sader, Scherer, Myrna Williams, Goetting, Bayley, Evans, McGaughey and Little:

Assembly Bill No. 460—An Act relating to mobile home parks; establishing the commission on mobile home parks; requiring the approval of the commission before certain increases in rent may be implemented; specifying the powers of the commission; requiring the licensing of mobile home parks; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen McGaughey, Bergevin, Bayley, Krenzer, Elliott, Norton, Anderson, Hardy, Wong, Scherer, Wendell Williams, Spriggs, Gregory, Gibbons, McGinness, Marvel, Stout, Evans, Heller, Arberry, Carpenter, Garner, Spitler, Price, Haller, Pettyjohn, Bache, Lambert, Callister, Porter, Goetting, Freeman and Humke:

Assembly Bill No. 461—An Act relating to insurance; requiring nonprofit corporations for hospital, medical or dental services to pay claims timely; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen McGaughey, Bayley, Krenzer, Wong, Elliott, Norton, Hardy, Scherer, Gregory, Wendell Williams, Spriggs, Gibbons, Little, Stout, Arberry, Garner, Spitler, Price, Haller, Pettyjohn, Bache, Lambert, Callister, Porter, Goetting, Freeman and Humke:

Assembly Bill No. 462—An Act relating to districts for the control of floods; clarifying that a district is prohibited from expending money for any purpose other than to acquire, construct, improve, extend, maintain or operate a project or improvement for the control of flood or storm water in the district; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 95.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 256.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 303.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 104.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. A municipal court which accepts a plea of guilty or nolo contendere to a criminal charge shall establish and maintain a file containing the written plea, any related waivers or documents and the information the court relied upon to determine the defendant's sentence. Upon notification that an appeal to the district court has been perfected, the municipal court shall transmit the file maintained pursuant to this subsection to the district court as soon as is practicable.*

*2. A defendant in a criminal case who enters a plea of guilty or nolo contendere to the charge against him and is found guilty by the municipal court may appeal the sentence imposed by the municipal court, but may not appeal the judgment.*

*3. When considering an appeal of a criminal case from a municipal court, the district court may require a hearing on the case and may require the defendant to be present at that hearing.*".

Amend the title of the bill by deleting the second line and inserting: "in certain criminal cases; requiring the establishment of a municipal court file for certain criminal cases; revising the procedure applicable to certain appeals to".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 13, 73, 110, 147, 148, 167, 239, 285, 318; Senate Bills Nos. 76, 77, 84, 90, 93 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Pettyjohn moved that Assembly Bill No. 366 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Pettyjohn.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 156.

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

"Section 1. Section 2 of chapter 476, Statutes of Nevada 1989, at page 1014, is hereby amended to read as follows:

Sec. 2. 1. For the 1990, 1991, 1992 and 1993 hunting seasons, the department shall make available restricted nonresident deer tags in an amount not to exceed the amount set forth in this section. If the number of persons who apply for restricted nonresident deer tags is greater than the number of tags to be issued, the department shall conduct a drawing to determine the persons to whom to issue the tags.

2. The number of restricted nonresident deer tags must:

(a) Be subtracted from the quota of rifle deer tags for nonresidents; and

(b) Not exceed 15 percent of the deer tags issued to nonresidents *during the previous year* or 250 tags, whichever is less.

3. The number of restricted nonresident deer tags issued for any management area *or unit* must not exceed 25 percent of the rifle deer tags issued to nonresidents *during the previous year* for that management area [.] *or unit.*

4. Any restricted nonresident deer tags which are not issued must be returned to the quota of rifle deer tags for nonresidents.

5. The department shall mail the tags to the successful applicants.".

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

"An Act relating to wildlife; clarifying the provisions which require the department of wildlife to issue nonresident deer tags for certain hunting seasons; revising the method of applica-".

Amend the summary of the bill to read as follows:

"Summary—Clarifies and revises provisions requiring department of wildlife to issue nonresident deer tags for certain hunting seasons. (BDR S-1195)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman McGaughey moved that Senate Bill No. 131 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman McGaughey.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 366.

Bill read third time.

The following amendment was proposed by Assemblyman Pettyjohn:

Amendment No. 229.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. 1. There is hereby appropriated from the state general fund to the motor pool fund created pursuant to NRS 336.110 the sum of $458,371 for the purchase of 50 vehicles.

2. Five of the vehicles purchased pursuant to subsection 1 must:

(a) Operate on an alternative fuel or source of power that when used in a motor vehicle results in emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates which are comparably lower than the emissions of a motor vehicle that uses traditional fuel; and

(b) Have been originally designed or converted to do so.".

Assemblyman Pettyjohn moved the adoption of the amendment.

Remarks by Assemblymen Pettyjohn, Callister and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 131.

Bill read third time.

The following amendment was proposed by Assemblyman McGaughey:

Amendment No. 208.

Amend section 1, page 1, line 7, by deleting "An" and inserting: "[An] *Except as otherwise provided in subsection 3, an*".

Amend section 1, page 1, line 13, by deleting "*donor,*" and inserting: "*donor and consents to the donation,*".

Amend section 1, page 1, line 16, after "3." by inserting: "*If the donor is less than 12 years of age, the document of gift must be signed by a parent or guardian of the donor, on behalf of the donor, and two witnesses at the direction and in the presence of the parent or guardian and of each other and state that it has been so signed. The document is not required to be signed by the donor.*

*4.*".

Amend section 1, page 1, line 20, by deleting "4." and inserting "[4.] *5.*".

Amend section 1, page 1, line 25, by deleting "5." and inserting "[5.] *6.*".

Amend section 1, page 2, by deleting line 1 and inserting:

"[6. A]

*7. Except as otherwise provided in subsections 8 and 9, a* donor may amend".

Amend section 1, page 2, line 9, by deleting:

"*7. A*" and inserting:

"*8. Except as otherwise provided in subsection 9, a*".

Amend section 1, page 2, by deleting lines 18 through 21 and inserting:

"*9. A donor who is less than 12 years of age may not amend or revoke an anatomical gift. The parent or guardian who made the gift on behalf of the donor may amend or revoke an anatomical gift, not made by will, only by:*

*(a) A signed statement;*

*(b) An oral statement made in the presence of two persons;*

*(c) Any form of communication during a terminal illness or injury addressed to a physician; or*

*(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.*

*10.* The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills in chapter 133 of NRS or as provided in subsection [6.

8.] *7, 8 or 9.*

*11.* An anatomical gift that is not revoked by the donor before death is".

Amend section 1, page 2, line 24, by deleting "*10.*" and inserting "*12.*".

Amend section 1, page 2, line 33, by deleting "*11.*" and inserting "*13.*".

Amend section 1, page 2, line 36, by deleting "*12.*" and inserting "*14.*".

Amend section 1, page 2, line 39, by deleting "*10.*" and inserting "*12.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 451.580 is hereby amended to read as follows:

451.580 1. Rights of a donee created by an anatomical gift are superior to rights of others except with respect to autopsies under NRS 451.585. A donee may accept or reject an anatomical gift. If a donee accepts an anatomical gift of an entire body, the donee, subject to the terms of the gift, may allow embalming and use of the body in funeral services. If the gift is of a part of a body, the donee, upon the death of the donor and before embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the person under obligation to dispose of the body.

2. The time of death must be determined by a physician who attends the donor at death, or, if none, the physician who certifies the death. Neither the physician who attends the donor at death nor the physician who determines the time of death may participate in the procedures for removing or transplanting a part unless the document of gift designates a particular physician pursuant to subsection [4] *5* of NRS 451.555.

3. If there has been an anatomical gift, a technician may remove any donated parts and an enucleator may remove any donated eyes or parts of eyes, after determination of death by a physician.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 74 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 74.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 202.

Amend sec. 15, page 1, line 20, by deleting "*that could*" and inserting "*to*".

Amend sec. 15, page 2, line 5, by deleting "*felony.*" and inserting "*gross misdemeanor.*".

Amend sec. 17, page 2, line 47, by deleting "*An*" and inserting: "*A nonprofit organization or*".

Amend the bill as a whole by renumbering sections 19 and 20 as sections 20 and 21 and adding a new section designated sec. 19, following sec. 18, to read as follows:

"Sec. 19. NRS 466.130 is hereby amended to read as follows:

466.130 1. The Nevada racing commission may issue licenses for the holding of [trotting and pacing meetings and chariot races at which there may be offered stakes, purses or awards.]*:*

*(a) Trotting and pacing meetings;*

*(b) Chariot races; and*

*(c) Cutter races,*

*at which pari-mutuel wagering will be conducted.*".

2. The Nevada racing commission has supervisory powers over such meetings *and races* and those licensed in the same manner and to the same extent, where not inappropriate, as it has by virtue of the provisions of this chapter over those licensed under other provisions of this chapter. Every applicant shall pay a license fee of not less than $25 nor more than $200 for each day that races are held.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that the Assembly would not convene on Friday, March 29, 1991.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 4, 5; Senate Concurrent Resolutions Nos. 8, 29, 30.

## REMARKS FROM THE FLOOR

Assemblyman Kerns requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. Sitting at my desk is Specialist Fourth Class Richard DeBilzan. Rich has never been a 4-H'er but he spent a couple of months harvesting a few things for us; a few Iraqi tanks, armored personnel carriers and maybe even a few Iraqis.

Rich served with the 101 First Airborne Division in Iraq. That was that little group who in about 48 hours took about 60,000 men 200 miles into Iraq and formed that little pincher movement that cut them all off from the southern part of Iraq. We have an awful lot to be thankful for.

Rich's parents are Jan and Bruce Brooks. I think most of you know Bill Brooks who is seated in the back and does a little lobbying for the City of Reno. You gals, don't be eyeing this guy. He just got engaged yesterday and he is going to be married August 1. He hopes to come back to Reno, if he doesn't reenlist. He has to return to Fort Campbell, Kentucky, in two weeks. I just want to say that it is people like this that we owe this country to and I would like to have you give Rich a good applause and a great welcome. Thank you.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mary Boner, Christy Castleton, Terri Chichester, Maryanne Healy, Karen Hinton, Sue Hoffman, Mr. Patrick Irwin, Mss. Helaine Jesse, Paula Lannen, Charlene Mitchel, Marianne Papa, Paula Richey, Rhonda Tognotti, Rae Witherell, Barbara Wolf, Sue Hoffman and the following 4-H members: Aaron Boner, Anita Boner, Rosa Brendle, Peter Castleton, Rachel Castleton, Lindsay Chichester, Michelle Daley, Josh Escobedo, Derik Haase, Alec Harrington, Holly Hawkins, Celina Johnson, Michelle Klepps, Joe Laxague, Michael Laxague, Louise Margerum, James Mathews, Terri Mathews, Amy Moura, Marcia Rands, Lisa Safford, Heather Stodieck, Shannon Stodieck, Kevin Tyler, Jon Varnum, Aron Weinkauf, Micah Weller, Nathan Weller and David Wetmore.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Giuliana Murphy, Jeanine Hoskins and Carla Rand.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Aimee Fulper.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elizabeth Louise Margerum.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Angie Garcia and Katie Castleton.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Specialist 4th Class Richard DeBilzan.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marci Krch, Leoma Dunning, Raeghan Hall, Janel Pekuri, Marsha Geroux, Messrs. Michael Nall, Heston Johns and Pete Mangum.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sarah Mitchel, Charline Mitchel, Kathi Buzzetti, Amber Wolf, Brooke Quilici, Barbara Wolf, and Messrs. Dean Mitchel, Matt Marvel, Tobey Chapin and Jason Ispisua.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Amy Davis and Mary Ann Schauerhamer.

Assemblyman Evans moved that the Assembly adjourn until Monday, March 25, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTY-FOURTH DAY

CARSON CITY (Monday), March 25, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tim DeMumbrum.

Almighty God, we begin this day by taking a brief moment to remember You. For without You we could accomplish nothing as it says in Your word, "With God all things are possible." Let us pray that we never forget this. For it is in Your precious name that we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 151, 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 140, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Giunchigliani and Carpenter as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 227.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 7, 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 66, 99, 201, 308.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 28, 108.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bache, Arberry, Haller, Price, Evans, Gibbons, Goetting, Porter, Giunchigliani, Wong, Norton, Petrak, Wendell Williams, Anderson, Little, Callister, Elliott and Myrna Williams:

Assembly Bill No. 463—An Act relating to local government employees; expanding the scope of mandatory bargaining for local government employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, Johnson, Anderson, Scherer, Petrak, Little, Carpenter, Haller, Hardy, Freeman, Norton, Callister, Garner, Spriggs and Gregory:

Assembly Bill No. 464—An Act relating to fire protection; authorizing a county fire protection district to remove a fire hazard from property located within the district; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 465—An Act relating to correctional facilities; requiring the director of the department of human resources to contract with a consultant to assess the need for juvenile correctional facilities and related programs; creating a committee to oversee the contract and the assessment; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 28.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 66.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 99.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 108.

Assemblyman Evans moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 201.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 308.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Wendell Williams, Giunchigliani, Anderson, Bache and Elliott:

Assembly Bill No. 466—An Act relating to education; requiring each school district to inform its teachers of certain pupils who may be violent; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

## IN JOINT SESSION

At 11:13 a.m.

The President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Coffin, Cook and Hickey.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Price.

The President of the Senate welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Adler and Assemblyman Myrna Williams to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator from Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The President of the Senate welcomed Senator Reid and invited him to deliver his message.

Senator Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-SIXTH SESSION, 1991

*Madam President, Mr. Speaker, Members of the Nevada Legislature, members of the Judiciary, honored guests and fellow Nevadans.*

At the end of 1864, before the final desperate battles of the Civil War, a beleaguered Abraham Lincoln faced a press and people still torn with self-doubt and despair.

Responding to a crowd celebrating his reelection, Lincoln pondered the nature of America.

"It has long been a grave question," he said, "whether any government, not too strong for the liberties of the people, can be strong enough to maintain its existence in great emergencies."

He continued by predicting the future. "Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak and as strong, as silly and as wise, as bad and as good."

Less than six months later, President Abraham Lincoln was struck down at Ford's Theatre.

In a cry of national anguish, Walt Whitman wrote:

"Oh Captain, my Captain! Our fearful trip is done
The ship has weathered every rack, the prize we sought is won."

Like all great poets, Whitman was an oracle and a seer. What he said was valid and yet false. His mystic vision had but one flaw; for while the prize was won, the trip had just begun.

In the 1970's and 80's historians looked back at the 100 years which began with Appomattox and ended with the escalation in Vietnam, and called it the American century. That century, they said was one of American dominance and power, one in which the ship of state, and the ships which sailed from our state, were sometimes rocked by disaster but in the end, always invincible.

From the great White Fleet of Teddy Roosevelt, to the carriers of the great land-sea battles in the Pacific, to the Polaris submarines in the 1960's, America, and her projections of force, had been the invincible bulwark of democracy, the last refuge to which embattled democracies could withdraw.

But that time ended, the historians said. It ended with Vietnam. Like Walt Whitman, they were right, and they were wrong.

That hundred years was the American century, but I have no question ladies and gentlemen, not one shadow of a doubt, that a hundred years from 1965, those historians yet to be born will look back on the two hundred years of the world's history past, as the two American centuries.

Vietnam was not the end, it was not even as Winston Churchill once said, the beginning of the end. It was merely the end of the beginning.

The greatness of America, our true national genius, is that we learn from our mistakes.

Never again will this nation send our young men and women off to war without the full support of the American people. Never again will we fail to apply the power necessary to end a conflict in the quickest possible way with the least loss of American lives. Never again will we fight a battle unsure of our goals or uncertain of our commitments.

We learned the lessons of Vietnam, and we applied those lessons in the sands of Saudi Arabia and Kuwait.

Make no mistake, those lessons were not tutelage in the arrogance of power or the hubris of strength. Pride, the Bible tells us, goes before the fall. No, we did not learn, and we did not practice, the politics of raw power.

Rather, we learned to work together with all nations which believe in freedom, to fight shoulder to shoulder with allies of different hues and religions, and hopefully, to make peace together as effectively as we have waged war together.

That lesson, of facing a problem squarely, of talking with potential allies, and working together to achieve a common goal, was the great gift given to us by those who suffered so much and bore such a soul-searing burden in the jungles and swamps of Vietnam.

It is a lesson we learned at a tremendous price to apply on the world stage. Let us use that knowledge in Nevada today so that our children, and their children after them, will not have to pay as heavy a toll, or fight as terrible a battle.

If we acknowledge the problems which face this beautiful state, if we talk to each other and build a consensus, then we can do more than move mountains, we can create a world where we learn to live with nature and where mountains don't have to be moved.

If tomorrow, I were to walk from the public stage, and never again draft a bill or argue an issue, or call out for justice and decency, there is nothing I could ever do, nothing in the future, and certainly nothing in the past, of which I could ever be as proud, as the preservation of Nevada's fragile natural beauty.

I have walked those valleys and climbed the slopes of the Great Basin National Park; touched the smooth bark of a thousand-year-old bristle-cone pine, and listened to the mountain breeze sing through its branches. I have seen the stars at night through the purest air on God's green earth, and reached out to touch the skies. I have learned what all the world should know; that on the edge of Nevada sit the hills of Paradise, and we made its preservation a reality for generations yet unborn.

Across this lovely state, from north to south, from Utah to the California border we have preserved our untouched wilderness. We have kept so much for posterity, so much of what makes this state a special and mysterious place.

And on a quiet summer evening in the Stillwater Marsh, you can hear the sounds Nevada's first settlers heard when they stopped on the way to their new homes. You can hear the frogs croak, and the fish splash, and the evening song of the birds that the Paiute tribe heard before the settlers came. It is a place where a man can sit and listen to the sound of silence, to the sound of his own soul. And for our children and for their children's children, those sounds will survive.

We, the people of Nevada working together have preserved these works of God from the unthinking hand of man. We did it even though there were those who said it was an impossible dream.

There are people in this state, indeed, people in this chamber who told me more than once, that we cannot build a coalition that would end the eighty-year-old war for water in northern Nevada. They said the Stillwater Marsh was dead, let it be. They said we couldn't save the timeless Cui-ui or end the 100-year water dispute with California.

Leave it alone, they said. Don't bring a fight on yourself. People just won't work together on this one. There's too much at stake.

Well, there was a lot at stake. But we did build a coalition, a grouping of diverse people with differing interests from varied backgrounds. And we found common ground, the people in this chamber, the people of the United States Navy, and those in Nevada's countryside, her towns and her cities. We fought a unified battle because we faced a common enemy. We fought it and we won.

While California is desperately trying to buy water, indeed, talking about importing Canadian water in tankers, we have created a resolution for the drought problems in northern Nevada for the next forty years.

I did not come here today, however, to preach or to praise. I came to ask you to do what we have shown can be done, as Americans and Nevadans. Let us look ahead to fight those battles yet to be won, not behind us at the victories of the past.

We must deal with the phenomenal growth in this state, especially in Clark County. Legislation I introduced in Washington has directed the United States Geological Survey to work together with the Desert Research Institute, the Las Vegas Valley Water District and the State of Nevada to deal with the question of pumping aquifers beyond Clark County.

The law is not an answer, it is the search for a question. The only answer lies in common effort and common sense. Nevada has a phenomenal future, if we don't squander it on the gaming tables of thoughtlessness, greed and waste.

So many roads diverge before us. Let us take the paths of decency, of wisdom, of caring and sharing, and working together. If we do, if we look to the problems which need to be solved, and work together to resolve them, no people can do better then those of this state and this nation.

We have the resources. All over this nation, indeed, all over the world, Nevada has had more than its share of effects.

Do not think for one minute, that the peace could have endured between democracies and the cold-eyed, soulless dictatorships of the East, if a nuclear deterrent had not been tested beneath our sands. Do not think for a moment that victory in Kuwait would have been as sweet or as easily fought if our pilots had not honed their skills in our wide skies, and the Stealth had not been developed in our vast outlands.

We are still a small state, we have always, from the time we were Battle Born, contributed more than our share to this nation's defense. Sitting in this chamber today are military leaders of this nation and of the State of Nevada. Present today representing Major General Billy McCoy, Commander of Nellis Air Force Base, is Colonel Lawrence Green, Jr.; also present is Commander of the Naval Air Station at Fallon, Captain Rex Rackowitz; here also is the Commander of the Hawthorne Army Ammunition Plant, Lt. Col. O. B. McCane, Jr.; and Commander of the U.S. Marine Corp Detachment 4th Force Reconnaissance Company, Captain John Stradley and the Commander of our own Nevada National Guard, Major General Tony Clark. I ask them to stand and for us to give them a round of applause indicating our appreciation and support. We can congratulate ourselves for the support this state has given the thousands of young men and women who have trained at Nellis and Fallon.

And we can do more than congratulate ourselves, our hearts can swell with pride, for the achievements of Nevada's National Guard. From the crack reconnaissance pilots of our Air Guard, including Assemblyman Jim Gibbons, who were literally the first to fly over Iraqi targets, to the members of the 72nd Military Police who are guarding Iraqi prisoners even as I speak, this state has done its part and more.

I also look with tremendous pride on our educational system, and especially at the University of Nevada. The University of Nevada-Las Vegas has more than just a great basketball team. It is only one of nine universities in the nation which has a super computing facility, a resource which not only makes it easy to recruit top-flight scientists, but which literally has them scuffling to teach at our school. University of Nevada-Reno's Mackay School of Mines has a world famous reputation.

We have these resources, skills, people of good spirit and with common sense. We need to apply them to the problems facing every Nevadan.

The most vulnerable members of any society are those unable to protect themselves. Battered women who need protection; abused and mistreated children who have nowhere to run; the elderly who have worked throughout their lives to build this nation. These are the people who need what we as legislators can and must provide.

There are others who are vulnerable. Nevada voter registration laws are punitive and archaic. They hinder voter participation and as an example, during the last four years, would-be voters have been frightened into not exercising their constitutional right to vote. The system in Nevada is for the convenience of the voter registrar, not the convenience of the voter. This must be corrected.

We must clear the streets of the thugs and hoodlums who prey on the weak and helpless. When a woman is beaten, and it happens every 18 seconds somewhere in this nation, she should have some refuge available where she can seek shelter. When a child is abused, that child's testimony should be easily admissible to convict the abuser in a court of law. Since last year it has been admissible in federal courts. You should give these desperate children the same protection in the state courts.

But children need more than protection, they must be nurtured and nourished with food for the mind and sustenance for the soul. It is a proven fact that there is a direct correlation between class size and learning achievement. We must face up to the hard choices necessary to improve the quality of education.

The choices are hard, but they must be made, and made now. We no longer have time to spare or do we have reason to wait.

Our state has changed, ladies and gentlemen, and we must recognize that the old special Nevada way of life will never exist again. There is a new Nevada. That is why it has been so important to preserve what remained untouched. When I was a young man we used to laugh about driving "Nevada speeds," down our state's lonesome highways. Remember, we had no speed limit. Those roads are no longer country lanes, they are super highways.

We can remember the past, we can save pieces of it, but we cannot live in it. I often think of what Robert Frost said in one of his poems:

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;
Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear..."

We have chosen our route, we Nevadans, the road to a bright and vibrant future. Let us map that course with courage, and vision, and a firm commitment to the next generation and those yet to follow. For their sake, and for our own, we cannot fail. Thank you.

Senator O'Connell moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Bache moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:37 a.m.

## ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wong, Pettyjohn, Elliott, Krenzer, Norton, Anderson, Stout, Hardy, Goetting, Heller, McGinness, Little and Petrak:

Assembly Bill No. 467—An Act relating to industrial insurance; prohibiting a board or commission from issuing a license or other authorization to engage in a profession or occupation pursuant to Title 54 of NRS without receiving evidence from the applicant of required industrial insurance coverage or the inapplicability of industrial insurance coverage; authorizing the administrator of the division of industrial insurance regulation of the department of industrial relations to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Concurrent Committees on Labor and Management and Ways and Means.

Motion carried.

By Assemblymen Wong, Bennett and Scherer:

Assembly Bill No. 468—An Act relating to public health; creating commissions to plan for and authorize the capital expenditures of health facilities and to review their financial affairs; authorizing the reviewing commission to approve or set the rates and charges of health facilities; eliminating certain planning and regulatory agencies; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 149.

Bill read second time.

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

Amendment No. 113.

Amend sec. 4, page 1, line 23, after "*check*" by inserting ", *cashier's check*".

Amend sec. 4, page 1, line 24, by deleting "*20*" and inserting "*5*".

Amend sec. 8, page 3, by deleting lines 8 through 16 and inserting:

"*(a) The* name and address of each dealer [and a] *; and*

*(b) A* condensed description of the principal kinds of commodities in which he deals . [shall be recorded, with notations as to the financial responsibility of each dealer, his delivery facilities, records of past dealings, if any, and other references which may assist the chief in requesting quotations and awarding orders.

3.] *4.* The records [shall] *must* be revised and supplemented from time".

Amend sec. 14, page 5, line 44, by deleting "check [, cash]" and inserting: "check, [cash] *cashier's check*".

Amend sec. 15, page 6, line 8, after "*check*" by inserting: "*or cashier's check*".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 166.

Bill read second time.

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

Amendment No. 161.

Amend section 1, page 1, by deleting line 16 and inserting:

"*6. Fix the rate to be paid for any utility service provided by the city as a public enter-*".

Amend section 1, page 1, line 19, by deleting "*performed*" and inserting "*perfected*".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 198.

Bill read second time.

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

Amendment No. 110.

Amend section 1, line 2, by deleting "11," and inserting "9,".

Amend sec. 2, line 3, by deleting "*11,*" and inserting "*9,*".

Amend sec. 2, page 1, line 12, after "*systems*" " by inserting: "*means the costs traditionally associated with capital improvements to such systems and*".

Amend sec. 3, page 2, by deleting lines 2 and 3 and inserting: "*to purveyors of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the state board of*".

Amend sec. 5, page 2, line 16, after "*made*" by inserting: "*to purveyors of water*".

Amend sec. 5, page 2, line 17, after "*operation*" by inserting: "*and publicly owned*".

Amend sec. 5, page 2, line 21, by deleting "*3,300*" and inserting "*6,000*".

Amend sec. 6, page 2, lines 34 and 35, by deleting: "*community and nontransient water systems*" and inserting: "*certain purveyors of water*".

Amend sec. 8, page 3, line 2, after "*fund.*" by inserting: "*The bonds must be redeemed through the consolidated bond interest and redemption fund.*".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sec. 11 as sec. 9.

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

"Sec. 10. The legislature finds and declares that the issuance of bonds pursuant to section 8 of this act is necessary for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof, and that the issuance constitutes an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the constitution of the State of Nevada.".

Amend the title of the bill, third line, by deleting: "levying a property tax to support" and inserting: "requiring redemption of those bonds through".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 251.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 284.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 311.

Bill read second time, ordered engrossed and to third reading.

Assemblyman Callister moved that Assembly Bill No. 311 be re-referred to the Committee on Ways and Means.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 148 be taken from the General File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Callister moved that Assembly Bill No. 285 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 345.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 3.

Bill read second time and ordered to third reading.

Senate Bill No. 47.

Bill read second time and ordered to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 126.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 285.

Bill read third time.

Remarks by Assemblymen Norton and Callister.

Roll call on Assembly Bill No. 285:

YEAS—42.

NAYS—None.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 285 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblymen Krenzer, Pettyjohn, Wendell Williams, McGinness, Arberry and Carpenter.

Assemblymen Porter, Myrna Williams and McGaughey moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 13.

Roll call on Assembly Bill No. 13:

YEAS—36.

NAYS—Arberry, Bayley, Little, Pettyjohn, Scherer, Wong—6.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblymen Garner, Heller, Elliott, Bergevin and Wendell Williams.

Roll call on Assembly Bill No. 147:

YEAS—34.

NAYS—Bayley, Gregory, Hardy, Heller, Little, Price, Spitler, Stout—8.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 84 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 12:22 p.m.

## ASSEMBLY IN SESSION

At 4:34 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 38.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 469—An Act relating to the legislative committee on health care; requiring that regulations relating to the licensing of certain

practitioners of health care be submitted to the committee for review; prescribing the duties of the committee concerning the review; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblymen Bergevin and Bache.

Roll call on Assembly Bill No. 167:

YEAS—42.

NAYS—None.

Assembly Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 239.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 239:

YEAS—42.

NAYS—None.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 244:

YEAS—42.

NAYS—None.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 317:

YEAS—42.

NAYS—None.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Assembly Bill No. 318:
YEAS—42.
NAYS—None.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 349.
Bill read third time.
Remarks by Assemblymen Freeman and Spriggs.
Roll call on Assembly Bill No. 349:
YEAS—35.
NAYS—Bergevin, Goetting, Lambert, Little, Marvel, Pettyjohn, Spriggs—7.

Assembly Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 76.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Senate Bill No. 76:
YEAS—42.
NAYS—None.

Senate Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 77.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 77:
YEAS—42.
NAYS—None.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 90.
Bill read third time.
Remarks by Assemblyman Johnson.
Roll call on Senate Bill No. 90:
YEAS—42.
NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 93.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 93:
YEAS—42.
NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 210, 253; Senate Concurrent Resolutions Nos. 14, 19; Assembly Joint Resolution No. 8.

## REMARKS FROM THE FLOOR

Assemblyman Gibbons requested that Assemblyman Petrak's remarks be entered in the Journal.

Thank you, Mr. Speaker. Out of the midwest rises some stars and I have seen one rise in Ohio. She decided to come out and spend a few days with this legislature. I am very proud of her; she is my granddaughter. She is attending Bowling Green University in Ohio. She wants to be an attorney. I would like you to meet Samantha, my granddaughter.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Elizabeth Bradt, Jean Ford and members of the Northwest District of the the Nevada Library Association: Mss. Holly Ohm, Lura Caldwell, Jan Louch, Nancy Gwinn, Mr. Dan Doyle, Mss. Shannon Hammond, Toni Lytle, Mr. Edward Wright, Mss. Katherine VanHouse, Sharon Weaver, Shirley Harlan, Ellen Fockler, Mr. Richard Grefrath, Mss. Buffie Olack, Sally Allen, Shelia Linn, Ellen Guerricagoitia, Ann Eagan, Edie Romwall, Lynda Mosier, Elaine Fuller, Mary Hutchinson, Mary Maples, Barbara Buffer, Debby Dahlstrom, Leona Wright, Annie Kelley, Messrs. Ken Wyatt, Randy Bledsoe, Mss. Rebecca Weinkauf, Janet Butler, Mary Lilyi, Ramona Reno, Duncan McCoy, Eunice Bloodhead, Dakny Lee, Sheri Allen, Suzy Sepahpour, Beverly Palmer, Dorothy Uebele, Susan Stewart, Dorthy Good, Jody Gehrig, Helen Glenn, Mr. Chuck Manley, Mrs. Kathryn Etcheverria, Messrs. John McCracken, Bill Strader, Mss. Ida Mori, Lois Arnold, Helen Boren, Denise Cornell, Lucy Bouldin, Arlene Cohen and Shirley Smith; the following members of the Nevada Rural Hospital Project: Mss. Beverly Landolt, Margaret Underhill, Carol Myers, Peggy Cavin, Joyce Schaaf, Ruth Gotelli, Felicia Grulli, Mary Nuti, Messrs. Ralph Nuti, John Linscott, Walter Erkkila, Ed Eaves, Art O'Rear, Mss. Joan Hall, Joanne Hill, Deaise Coralle, Karen Holader, Linda LaPierre, Dace Sacchini, Mr. Tim Sachon, Mss. Aurora Saragoza, Frances Williams, Doris Phillip, Mary Campbell, Elizabeth Collins, Wilma McDougall, Calfrey Collins, Berni Crowe and Mr. Virgil Goode.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Hap Morehouse, Randy Bledsoe and Fred Horlacher.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Martha Gould.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Holcher.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Samantha Petrak.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carroll Gardner and Mr. Leonard Smith.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Wolfgang Stanley, Siegried Stanley and John Ponticello.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Toni Lytle and Shannon Hammond.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marie Jordan.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 26, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 5:02 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), March 26, 1991

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

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sami Perez.

Oh Lord, the great lawgiver, thank You for the new opportunities and responsibilities faced in this Assembly. Grant guidance to reach the best decisions for the greatest common good. Help them respond to the different pressures and adjust to the changing cultural situations without altering basic beliefs. We ask this Lord, Almighty God.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 426; Senate Bills Nos. 211, 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Concurrent Resolutions Nos. 10, 11, 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 88, 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Assemblyman Johnson moved the adoption of the resolution.

Remarks by Assemblyman Johnson.

Resolution adopted.

Senate Concurrent Resolution No. 11.

Assemblyman Elliott moved the adoption of the resolution.

Remarks by Assemblyman Elliott.

Resolution adopted.

Senate Concurrent Resolution No. 12.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblyman Gibbons.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 470—An Act relating to the state executive department; providing that the executive director of the commission on economic development and the executive director of the commission on tourism serve at the pleasure of the governor; limiting the number of terms that members of boards, commissions and similar bodies appointed by the governor may serve; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 140.

Bill read second time.

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

Amendment No. 183.

Amend section 1, page 1, by deleting line 5 and inserting: "officers [and employees.] , *state employees, retired public employees and other persons who participate in the state's program of group insurance.*".

Amend section 1, page 1, by deleting lines 10 through 14 and inserting: "insurance. [If such an agency has 200 officers and employees or fewer, the rates and coverage must be the same as those established for state employees. If such an agency has more than 200 officers and employees, the committee may establish by regulation] *The committee shall establish* sepa-".

Amend sec. 2, page 2, by deleting lines 28 through 31 and inserting: "*previous injury recurs within 1 month after the employee returns to work and the employee again receives compensation pursuant to NRS 616.585 as a result of the previous injury, the department, agency, commission or public*

*agency shall not pay the state's share of the cost of the premiums for the period during which the employee is unable to work as a result of the recurring previous injury.*".

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

"An Act relating to the state's program for group insurance; clarifying the scope of the advisory duties of the committee on group insurance; requiring the committee to establish the levels of participation in the program required for participating public agencies; clarifying the employer's duty to pay premiums of the group insurance during periods of temporary total disability; revising the provisions authoriz-".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 154.

Bill read second time, ordered engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 284 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 74:

YEAS—42.

NAYS—None.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 158:

YEAS—42.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 251:

YEAS—36.
NAYS—Carpenter, Little, Price—3.
Not voting—Anderson, Sader, Scherer—3.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 304.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 304:

YEAS—42.
NAYS—None.

Assembly Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 345.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 345:

YEAS—42.
NAYS—None.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblymen Callister and Gregory.
Conflict of interest declared by Assemblyman Gregory.
Roll call on Assembly Bill No. 366:

YEAS—40.
NAYS—None.
Not voting—Gregory, Lambert—2.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Joint Resolution No. 11 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Giunchigliani.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 383:

YEAS—42.

NAYS—None.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 39—Authorizing expenditure from the legislative fund for the payment of a speaker to appear before the standing committees of the Assembly and Senate during the 66th session of the Legislature.

Assemblyman Callister moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 471—An Act relating to water; establishing the fund for the defense of interstate water litigation; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 11:01 a.m.

ASSEMBLY IN SESSION

At 11:09 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Krenzer and Humke as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Richard H. Bryan.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

## IN JOINT SESSION

At 11:10 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Coffin.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Cook and Assemblyman Sader to wait upon Senator Bryan and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Richard H. Bryan, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The President of the Senate welcomed Senator Bryan and invited him to deliver his message.

Senator Bryan delivered his message as follows:

### MESSAGE TO THE LEGISLATURE OF NEVADA
### SIXTY-SIXTH SESSION, 1991

I thank your Vice Excellency, Sue Wagner. That is a title we do not hear frequently in this chamber as we recall, but it is certainly appropriate, and we are all very delighted to see Sue in that position today; my old friend, Speaker Joe Dini, a colleague with whom I first served in the State Senate in 1972 when we were first elected; President pro Tem Joe Neal.

I was thinking as I look out at all of you today and welcome the opportunity to speak to you once again, that it was 22 years ago that I first drove down the road here to Carson City joined by another freshman colleague who spoke to you yesterday from this very platform. What a difference there is between that day and today. Only four members of this Legislature served with us in 1969. Mr. Speaker was among us; the then Speaker pro Tem, Lawrence Jacobsen; Virgil Getto was with us on that occasion; and Hal Smith, the chair of the Government Affairs Committee in that particular session.

But it was such a contrast in the sense that in that particular year this country was driven by divisive forces, the Vietnam War raged on, violence erupted on the campuses of America and this country faced the most severe domestic divisions certainly in this century. Today the country is united as never before as we celebrate the victory of those that participated in Operation Desert Storm whose own great victories in the Gulf transformed not only the world in that particular region but also has transformed our attitude here at home because we are united as a country. We celebrate and welcome their

return and as Nevadans we take particular pride that the air battle in the Persian Gulf was the most successful air operation in our nation's military history and the genesis of that occurred over the skies of Nevada. Every carrier wing that participated in the Operation trained at the Fallon Naval Air Station and every one of the fighter pilots that were attached to Air Force units received some measure of their training at Nellis Air Force Base. We take particular pride in our own Air National Guard which, as General Schwarzkopf said, was the eyes that he needed, to know when and where to take the appropriate action, and pride in the other reserve units in our own state and those who serve as professional military men and women.

But I want to pay special tribute to a very special person. I had occasion to meet her last night. I think if there is a symbolic difference that we see in this recent encounter that we had in the Gulf with our previous conflicts, it is the role military women are playing in our Armed Forces. Last night I had occasion to meet a young woman who graduated from the University of Nevada and received her commission in 1988. I happened to be there that day in a different capacity. She and her husband are both professional military officers; she an army nurse, he an artillery captain. They are the proud parents of a young daughter 17 months old. In August of this past year, rather shortly after the Iraqi invasion of Kuwait, this young woman was called up as an army nurse and deployed to the Gulf. A month later her husband was also called up and he too was called to the Gulf but in a different part of that area. I would like you to give a warm Nevada welcome to that young woman who came in last night and was reunited with her 17-month-old daughter. I am referring now to Lieutenant Irene Falk, who joins us this morning.

Irene has made us all very proud and she is joined here today by her father and mother in law, Byran and Valerie Falk and a daughter of theirs. We are delighted to have the family here and we hope your Captain will be returning within the next few weeks so your family can be reunited, and as Irene told us at the airport, to kind of get their lives back together and to bring their families together. You are one of the real heroes and we are just honored and pleased that you could join us today at the Nevada Legislature.

I think if there is anything that has been disappointing, however, in the great accomplishment that we celebrate with the victory in the Gulf, it has been that our two most economically prosperous allies, Japan and Germany, have failed to respond to what I believe is a minimal responsibility that the coalition sought to impose upon them.

As a nation we have expended blood and treasure to accomplish what was accomplished in the Gulf. We asked our allies in Japan and in Germany to provide financial assistance as their fair share. The commitment of the Japanese was $11 billion; to date they owe us $6 billion. There has been a currency swing between the yen and the dollar and now they are talking about paying in cheaper yen rather than dollars. The Germans who made a commitment of $6.5 billion still owe us $3.5 billion, and in the news media last week you probably saw the report that they are trying to see if they can negotiate down. Now it is one thing to say that they did not send military personnel. Indeed the Japanese at one point had medics in the unit when we anticipated casualties. As General Schwarzkopf indicated, miraculously that did not occur, but they even recalled those medics. So I have introduced a measure in the Congress of the United States to authorize our President, who so skillfully put together the coalition, and I am proud to say that each and every member of the Nevada delegation without reference to partisan affiliation stood tall to support the President when he asked for our support in that fateful Gulf resolution that we debated in January of this year but to assure American taxpayers that they do not bear a disproportionate burden, I have introduced legislation that authorizes the President of the United States to impose a tariff on all imported goods from those countries who made a pledge and a commitment of financial support but who have failed to honor that commitment of support. The President would be authorized to keep that in effect until such time as Japan and Germany, in particular, honored the financial commitment that they made early on, that they now seek to get out of. I think that is only fair and reasonable and I hope that we can get that piece of legislation on.

We are enormously prideful of what was accomplished in the Gulf. It is truly an opportunity for us to celebrate a great American victory. Probably no clear cut decision since 1945 and the end of World War II has occurred in terms of our military commit-

ment. But I must say that three times within the last twenty years this nation has received a body blow when we have seen instability occur in the Gulf because of our dependence on imported oil. In 1973 you will recall the OPEC oil embargo shattered our economy, long gas lines formed, we drove on Sunday with one eye on the gas gauge and one eye on the road because we were not sure that the gas station would remain open. Those of us in Nevada know all too well the vulnerability that meant for our own tourist-based economy and how concerned we were. There was an initial reaction to that. We did a number of things that were positive in terms of conservation, but we forgot that lesson before the decade concluded. The Shah of Iran fell, the Iyatollah Khomeini became the leader of Iran and again we had a tumultuous situation in the Middle East. Again oil prices soared, uncertainty occurred and the economy was racked with uncertainty. Again on August 2 of last year when the invasion of Kuwait occurred, you will recall that the oil market went crazy. The mercantile market of oil increased to $40 a barrel, and we were concerned about its impact in terms of inflation. I believe that all credible observers would acknowledge that it exacerbated a recession that was then just beginning to be felt across the country. I believe that it is in our long-term best interest as Americans that we develop a long-term policy in terms of our energy independence and our own security that never again will an American President be forced to make the decision that George Bush had to make last August which was to commit 500,000 American men and women to the Gulf to protect what has become an economic umbilical cord tied to the Persian Gulf where 70 percent of the proven oil reserves in the world lie and in which our economic sufficiency, our economic success in viability are still very, very dependent. I don't think that makes sense, and we have an opportunity in this Congress of the United States to do something about it. We import 50 percent of all of the oil that we consume in America. If you look at how we consume it, about 63 percent is consumed in the transportation sector alone and 40 percent of the total is the American automobile. The way most of us got to this chamber this morning, the way most of us conduct our day-to-day business whether it is going to work, to school, to take our families to recreational activities, and just to conduct our everyday activities of going to the market are essentially a part of our life. In 1975, the Congress, after the first one of those devastating shocks, imposed for the first time, fuel economy requirements on automobiles, then averaging 13.8 miles per gallon, requiring those automobiles to achieve an average of 27.5 miles per gallon. By so doing, we save ourselves today, permanently, each and every day 2.5 million barrels of oil. I propose that we carry on with the proven success of the 1975 legislation and require fuel economy improvements that will by the year 2001 improve our fuel average to 40 miles per gallon which will save us another 2.5 million barrels of oil permanently and reduce, to some extent, our dependence on this very volatile region. We could all rejoice in what happened, but none of us today would say that Iraq is more stable than it was before August 2. In the north, civil war rages as the Kurds fight the Iraqi government and in the south the Shiites are fighting the Sunni government of Iraq. It is a history of conflict and turmoil that goes back thousands of years, and yet our own economic security is dependent upon that part of the world so long as we allow ourselves to import, as we do today, 50 percent of the oil we consume. By the year 2000, analysts indicate we could be importing, if we do not change, 62-75 percent of our total petroleum requirement. I don't think it makes sense. I must say that as proud as I was to support the President's courage and vision in foreign policy, his proposals and that of his administration do not go far enough in establishing a natural energy policy, which must in part, include conservation and specifically target on our appetite for oil and how we might curtail that without changing our life style; but strictly saying, can't we do better than the 27½ mile per gallon average that we have today by going to, within the decade, something that would clearly make us less energy dependent.

This session of the Congress poses a particularly serious problem for us in Nevada. The Department of Energy and Admiral Watkins have proposed that Nevada's environmental laws have been superseded, that Nevada does not have the ability to go to court and to fight the Department of Energy in its relentless and unyielding attempt to locate a high-level nuclear waste dump in our state. Let me say that the Nevada Legislature in the last session, ably led by our Governor, provided a bipartisan response, and I was proud,

indeed, to be in Washington last week when the Governor, each member of Nevada's Congressional delegation and your Speaker and the Majority Leader were there all indicating that Nevadans remain steadfast in their opposition to the high level nuclear waste dump.

Because this battle began in January of 1983 when I first assumed office as your Governor, I think it is sometimes helpful to really focus on what we are talking about. So frequently we hear the esoteric arguments, scientists arguing the technicalities of hydrology and vulcanism and seismic numbers. I read a book recently which has in it a very pointed example of what we are talking about that no Nevadan ought to forget, and no Nevadan who has been entrusted by the citizens of our state, each of us who are elected as public officials, ought to ever forget. An accident occurred in Idaho in January of 1961. A nuclear reactor went critical and there was an explosion. Two men were killed instantaneously. A third individual as a result of the explosion of a control rod was impaled through the groin on the ceiling of the building in which the accident occurred. Let me just go on and quote, if I may, from the article: "Those parts of the corpses which had been covered by clothing were buried in lead coffins, placed inside of lead lined vaults, but the parts of the bodies directly exposed to radioactive materials, the heads and the hands, had to be amputated from their bodies and stored awaiting a final burial ground for the nation's high-level radioactive wastes because those parts themselves had become high-level nuclear waste." So we are not just talking about something that men and women can discuss and debate in laboratories and scientific symposiums. We are talking about something that has a profound impact on the health and safety of Nevadans, your state and mine.

I must say that as one who grew up in this state, that the more we know about the adverse implications of the byproducts of radioactivity, the less we seem to know. Last week as I was preparing for that testimony in which our Governor and the rest of the delegation participated, there was an article that appeared in the *New York Times, The Wall Street Journal* and the *Washington Post,* and in it was a study just released by the American Medical Association. That is not a group that is out there in left field, you can't very well pejoratively say about the American Medical Association that they tend to be some ultra liberal think tank. Let me share the results of the study that appeared in that publication. They analyzed the health of those men and women that worked in the Oak Ridge National Laboratories from 1945, to I believe it was 1982, as the base line of the study. The study concluded that the incidents of leukemia, cancer if you will, increased by 63 percent over that of other individuals in the same age demographic growth. That ought to be of concern to us. Then I checked back on my own experience as a youngster. I was in the eighth grade when the first atmospheric detonation occurred at Frenchmen's Flat at the Nevada test site. We came out there and saw the nuclear cloud and we were assured by the scientists of that generation there was absolutely nothing to be concerned about. No worry, don't worry about it. I was in high school when those convoys of soldiers went up to Camp Desert Rock to conduct an exercise in which men of our Armed Services were in trenches a few thousand yards from ground zero and those blasts occurred. We saw it, read about it, and we were so proud. My own high school class even placed on the cover of our year book, the picture of the nuclear cloud and the explosions that were occurring, and we were sure that it was absolutely safe. There is no self-respecting scientist worthy of that name today. Let me tell you that to detonate a nuclear bomb 90 miles from an urban center is something that is not safe and we ought to be concerned about those downwind. Nevadans, and those in our sister state, east in Utah, pay the consequence of that, and belatedly, the Congress just last year recognized the downwind legislation that said these people were entitled to some compensation as a consequence of that.

I must say that the litany of promises that we have received from the Department of Energy makes that agency's credibility unworthy of recognition. No sooner had the President of the United States in January of 1983 signed the Nuclear Waste Policy Act into law than the Department of Energy, which was supposed to provide funding to our state and other states that were being considered for the high level nuclear waste dump, refused to make those payments. Attorney General Brian McKay, in our state, and the Attorney General of Washington state and Texas moved forward to make sure that we got our share,

but we had to appeal all the way to the Ninth Circuit and ultimately go back to the Congress. We were told that our state would participate in the site characterization, that we would have input. We have had none. I must say when the original legislation was contemplated, there would be two high level nuclear waste dumps, one in the East and one in the West, so that there would be regional equity in balance. Unilaterally, the former Secretary of Energy, John Harrington, abandoned the site in the East and when the working papers of the Department of Energy were examined by a Congressional subcommittee on which no Nevadans served, it was learned that determination was made because of the politics that might affect candidacies in the East in the 1986 election cycle. Politics and not science have driven the process in my judgment. I must say that the experience Nevadans have had has not been a good one.

In 1989 Governor Miller and the entire Congressional delegation met with the new Secretary, Admiral Watkins, and he pledged to us we would be sure to have the adequate funding for the state office which you all have established here to conduct independent scientific oversight. Admiral Watkins failed to deliver on that promise. John Barton is now making his way around the state and trying to importune us that this is a good thing for us. Mr. Barton promised me and Senator Reid, in writing, that he would support that funding. Last year when there was an attempt to eliminate or more accurately reduce substantially that funding, John Barton was nowhere to be found.

Fifty years ago this December, this nation had an experience with the Imperial Government of Japan in which they spoke of cooperation and peace, when in fact, they prepared for confrontation and war. That is where we are with the Department of Energy today. Peace and cooperation is all they seek they say, but they prepare for confrontation and war. I would remind Admiral Watkins, who had a distinguished career in the Navy, that he may recall on that fateful Sunday of December 7, 1941, there was only one ship, only one battleship that got under way that day in Pearl Harbor, and that was the USS Nevada. That tradition and that legacy is with us today and we are going to stay under way. We will never surrender, there will never be compromise with the health and safety of the people of the State of Nevada, and Nevadans are not for sale.

Let me in passing show you something that caught my interest just yesterday. Some of you are involved in real estate and you have heard the old refrain, in real estate three things are important: location, location, location. Let me tell you how they are trying to advertise and to promote our state. This appeared in a technical publication, full page ad, and it says with the inviting and lilting language of, "Are you looking for the perfect home for your hazardous wastes." Under that they have got, location, location, location and then US Ecology tells us in this ad of the low level site in Beatty, Nevada, which many of you are aware of that has both a low level nuclear component and a toxic waste site. This is the way Nevada is perceived and is sold by so many who do not know about our state. I am proud that this legislature and Governor Miller have taken a very strong public policy position. What is at risk here is not just what happens in this session of the legislature or to those of us who serve, we have a responsibility of long term. Our kids and grandkids will hopefully profit from the mistakes that each of us has made in the past and those that preceded us, and will develop the policy which protects and defends for the future. I believe you are doing so with the kind of bipartisan support that you provided on this issue.

Let me talk about a couple of other issues briefly, if I may. The Trojan horse of ancient Troy has been reassembled and is moving out from Washington to each of the states. First they tell us they are going to give us $15 billion and you can do with it as you want at the state level. I have to say, as a former Governor, that has a certain appeal but you always want to take a look at what you are being given. When the Federal Government comes into town and speaks to the legislature and Governor and says, "We're here to help," let me suggest that you want to have the smartest and brightest people on your staff to look closely between the lines. I think that what you are being asked to do is to accept something that will free an unwelcome consequence for you as you deal with the very serious financial problems that our state faces in this session.

There is another Trojan horse in the form of the administration's highway proposal. It is going to change the formula allocation as to how money comes to us in Nevada from the

states, a formula in which at the present time we receive $1.37 from every $1 that Nevada motorists pay into the highway trust fund. They are going to try to change the match which for many, many projects is a 5 percent match, change that so that the state would have to in some instances have a state match of 40 percent and they are saying it means more money for the state.

Let me suggest that we have an answer for them. One of the great budget frauds has been perpetrated at the federal level, one for which each of you as members of this legislature would face a recall; if you tried to invade a trust fund and use that fund for a purpose for which it was not intended, if you'll pardon the vernacular, "all Hell would break out," as it should.

The Highway Trust Fund is comprised of dollars that are paid at the gas pumps. Federal gas taxes which are paid go into that Highway Trust Fund. There is about $9.5 or $10 billion in that fund that's being withheld. That money may be, in effect, loaned to operate a federal deficit.

We have legislation that we introduced in the last session and again this year to release the trust fund and to allocate those monies for the purpose for which they are entitled, namely, highway improvements. By so doing, we would add $20 million more each year in highway funding in our own state than is presently allocated, more than any of the changes contemplated by any of the administration's proposals. It makes sense, it's fair, it's honest. We need to do that. I recognize, and I applaud the action of this legislature in making the decision which they did in passing, just recently, the legislation to provide for additional monies for our own highway program.

Let me just mention one or two other items, if I may, and my time is limited. You all have been debating, as we have in the Congress of the United States, what type of new ethical legislation you want to pass, what kind of standards you want to establish for yourselves and for future members of this legislative body and all state and local government elected officials. I applaud you for the effort that you are making. Tough questions are not easy questions, I understand that. In fact, I heard Senator Wilson yesterday describe that ethical package, and I went over there to make doggone sure that they weren't retroactive. They are not. But no campaign reform at the federal level should be dignified by the name of campaign reform unless we address the fundamental problem in our elected system. Not only at the federal level but at the state level.

The cost of running for public office in America, whatever political affiliation because this is totally nonpartisan, is a national disgrace. And you and I are part of that system. I have a great deal of sympathy because in order to be competitive, you've got to go out there and raise those enormous sums of money. I'm working on legislation this year which, I hope, will have bipartisan support. We worked on it last year and we were not successful, but we need to enact a truly meaningful campaign reform which will limit the amount of money that we spend in running for public office. By so doing, I think that's the most important ethical reform that we can adopt at the federal level. I can tell you, there is not a week that goes by, not a day, Monday through Thursday of each week, in which members of Congress—Democrat, Republican and now there is a Socialist in the Congress as well, so we want to include him—that is not out there raising money for that next election, two, four, six years down the road. That, in my view, is the most disappointing and the most potentially dangerous thing in terms of our American democracy. We've got to get a handle on the election process and we've got to reduce the amount of money spent.

Let me conclude with a couple of things that we're trying to do that I think do work in tandem with you. A number of you have written us about "notch babies"; Social Security recipients who receive less than those who are slightly older and who receive less than those who are just slightly younger. We've introduced a piece of legislation which we hope will correct that injustice. I know you get calls because you contact our office. It is overdue. Over the last 10-15 years we've tried to get something like this done. We've made some headway, I think, because you hear a lot about the Medigap policies, particularly in our state, where health care costs are so high. We had testimony in Las Vegas where some people had 12, 15, 20 Medigap policies. We've tried to make those much more simple and understood. Hopefully, that will be helpful as we grapple with those problems.

No session of the Nevada Legislature since I have served, has not had a bill dealing with mobile home owner problems, because that represents an increasing percentage of the way people in our state live. In the last session of the legislature, we were successful in staving off a bill that would have stripped mobile home owners of any of the rights that they enjoy under federal law. A mobile home commission is being established, and I hope to see that a Nevadan is appointed to that.

Finally, in a rare and refreshing moment of honesty when it comes to the federal budget process, we finally took the Social Security Trust Fund off budget so it's not commingled as we look at the accounts of the Federal Government.

Nevada led the way after the tragic hotel fires in southern Nevada a decade ago. The last session of the Congress passed a national Hotel-motel Fire Safety Act in which many of the provisions that were wisely put into law here in Nevada now have become a national standard. That, I think, is positive legislation.

Another area is penny stock fraud which I know the Secretary of State and the Attorney General's office are very much concerned with. Legislation is moving in that area as well.

The problems with telemarketing which continue and which, I know, occupy much of your own time are still before us at the federal level, and we seek to work in tandem with you in that respect with a piece of legislation that we moved a long way last session but did not quite get through.

I've been interested in a piece of legislation which is the most important thing we can do to make our automobiles safer. That is to require air bags in automobiles, both on the driver and the passenger side. I must say that the most dramatic example came just a few miles from Washington, D.C., in which two automobiles, each driven by an owner that had an air bag in the car, collided at 35 miles per hour, a head-on collision with the equivalent force of 70 miles per hour. The vehicles were mangled wrecks, and we hope to have those out here so that people can see them and know what's at risk. The Virginia Highway Patrol officer coming upon the scene said, "I was fully prepared to report at least two fatalities." By the time he got to the scene of the accident, both drivers were able to get out of their cars and just had minor bruises. We can save as many as 9,000 traffic fatalities each year by this simple piece of legislation. The technology is there. The air bags are already available in some of the larger automobiles. That is something we hope to pass into law during this session to make our highways safer for all of us who drive.

Let me just say by way of conclusion, I am not unmindful, just as we in the Congress are not among the most beloved in the land, that occasionally, you come in for a little criticism yourself. Once in awhile the media is a bit harsh, occasionally a constituent does not understand the full effort that you are making on his or her behalf and there is criticism sometimes that is unwarranted. It is far easier to criticize than to do.

We thought in 1969, when Senator Reid and I came up as two rookies into this chamber, that we could solve all the problems of the state in a matter of what was then a 95 day session. I must say your problems are so much more complicated, so much more difficult than the ones we grappled with. The numbers have grown so much larger and the implication of each of your decisions is so vastly more complex than those rather idyllic days of the late 1960's, when I first dealt with these kinds of issues.

I want you to know that those of us at the federal level suffer from some of the same types of constraints as you do. I am not one to believe that all wisdom resides on the banks of the Potomac. Much of what you do is trendsetting. Much of what you do in terms of the integrity with which you handle the fiscal process and the difficult decisions that will surely bring much criticism and relatively little joy among your constituents, are the kind of things that we failed at the federal level, over the years, to own up to. I just want you to know that a lot of us appreciate what you're trying to do. We understand it and we offer to work with you in a spirit of friendship and camaraderie in a joint federal and state partnership which is the sole charge and responsibility that each of us has as elected public officials. Do your best to make this a better America, a better Nevada, and do it working in a spirit of harmony and goodwill. I, for my part, intend to offer that hand of friendship to each of you. Thank you so very much.

Senator Jacobsen moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Bryan for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Little moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:54 a.m.

## ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 472—An Act relating to traffic laws; requiring the treatment of an alcoholic or abuser of drugs upon his conviction for driving under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Select Committee on Corrections:

Assembly Bill No. 473—An Act relating to probation; allowing the placement of probationers in residential confinement in certain circumstances; establishing the standards for such confinement; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

By the Select Committee on Corrections:

Assembly Bill No. 474—An Act relating to parole; allowing the placement of parolees in residential confinement in certain circumstances; establishing the standards for such confinement; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 3, 47, 89, 126, 131 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 227; Assembly Concurrent Resolutions Nos. 7, 13, 38.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ulrich Hoffmann, Mss. Agnes Ding, Sandy Young, Cathy Brown and students from Wooster High School, Reno: Maren Wernecke, Daniela Sarcoli, Maja Krepper, Rainer Muranyi, Bianca Galic, Andreas Mutter, Lars Rehm, Udo Mayer, Marco Romano, Ralph Saettele, Marco Heyn, Christine Mayer, Diana Labrenz and Amelei Stingl.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Turner Graham, Mss. Luana Graham and Elanalee Graham.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Vicki Yukish, Diane Gunderson and students from the Whitehead Elementary School, Sparks: Jennifer Babbs, Olivia Biondi, Scott Bloomquist, Jennifer Chandler, Cristal Cisneros, Stephen Collins, Brandon Fernandez, Cecelia George, Allison Hirchak, Douglas Jensen, Shannon Joslyn, Paul Klein, Jesse Morales, Everett Newman, Alison Norman, Paul Pace, Christopher Perry, Timothy Puliz, Abraham Santini, Brandon Sendall, Erin Stever, Sara Thornton, Jennifer Tompkins, Jennifer Upson, Chad Vaughter, Teresa Walker, Richard Worthen, Kane Akers, Steven Baucom, Ryan Broman, Paul Cocanour, Alison DeCuir, Jill DiPietro, Christopher Dowd, Eric Enochson, Amber Gallagher, Lauren Hayes, Melissa Johnson, Jesse Lee, Stella Lee, Staci Master, Jolene Myers, Jason Premo, John Ross, Thomas Sawyer, Christy Stawicki, Peter Stockwell, Jason Teglia, Teraleigh Thelin, Teresa Trevino, Lawrence Williams, Monica Wong and Kenneth Wright.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 27, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), March 27, 1991

Assembly called to order at 10:33 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tim DeMumbrum.

Our dearest Heavenly Father, You have given us so much to be thankful for. But the greatest gift that You have given us is the gift of life through Your Son. Father, I ask that You guide and bless the men and women of the Assembly this morning and every morning. In Your precious name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 335, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 142.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 111, 193, 205.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## COMMUNICATIONS

STATE OF WYOMING
OFFICE OF THE GOVERNOR
CHEYENNE, WYOMING 82002

March 10, 1991

NEVADA HOUSE OF REPRESENTATIVES AND NEVADA SENATE, Carson City, Nevada 89710

DEAR LEGISLATORS:

I would like to introduce the youthful participants of HANDS IN HARMONY. They are a special treasure of the Cowboy State.

They come to you as goodwill ambassadors whose performance and presence will make your hearts rejoice, your spirits sing, and your toes tap!

We are proud to call them our own, and believe they are unique in their talents and accomplishments.

The citizens of Wyoming, and myself are appreciative of your courtesy and generous hospitality.

With warmest regards, I am

Very truly yours,

MIKE SULLIVAN
*Governor*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of observing a performance by HANDS IN HARMONY youth group.

Assembly in recess at 10:38 a.m.

## ASSEMBLY IN SESSION

At 11:00 a.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Bennett and Spriggs as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative James H. Bilbray.

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

Assembly in recess at 11:01 a.m.

## ASSEMBLY IN SESSION

At 11:07 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The President pro Tempore of the Senate, and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:08 a.m.
President pro Tempore of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President pro Tempore of the Senate welcomed the Constitutional Officers to the Chamber.

The President pro Tempore of the Senate appointed a Committee on Escort consisting of Senator Nevin and Assemblyman Arberry to wait upon Representative James H. Bilbray and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable James H. Bilbray, United States Representative from Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The President pro Tempore of the Senate welcomed Representative Bilbray and invited him to deliver his message.

Representative Bilbray delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-SIXTH SESSION, 1991

Thank you, very much. Good morning to all of my friends in the Nevada Legislature; Nevada Supreme Court representatives; representatives of the administration and honored guests. Also, my wife is here, Mikie is sitting with Assemblyman Porter. She came back to Carson City because she wanted to see so many of our friends, too.

I look out on so many of the people that were here when I was here just a few years ago, actually five years ago. Senator Vergiels, Senator Neal, Senator Horn. So many of you were close to me, and we ran around together up here. I remember so many battles that we had back and forth, and we used to think in the old days how hard it was. I could never understand how the Assembly could get anything done with so many members. Now, I look back on 42 Assemblymen and I sit in the House with 435 House members; I can see how you get things done. I can't see how we can get anything done, I'll tell you that.

I sit on a committee on Armed Services that has 52 members, just on the committee. As a junior member, you sit on that committee and you wait under the five minute rule to be able to ask a question, and if a key person is there, like Colin Powell or Secretary Cheney, you wait for everybody to go through their five minutes. Of course, the senior members have learned that the way to do that is to ask their series of questions in their five minutes and then wait for Administration officials to answer in the next ten minutes. So if you're down at the end of the list, you can anticipate that you will wait four hours before you can

ask your first question. Of course, what happens nine out of ten times, the Administration witnesses come in at nine and have to leave at noon. So the poor junior members never get to ask a question except on rare occasions when senior members don't want to be there because the witness is not important to what they have in mind at the time. I look at subcommittees, and I think of the committee structure that we had here. We had seven member committees in the Senate, which I thought was a very workable number; and we had larger committees in the Assembly. But again, even our subcommittees within the committees, sometimes sit 20-25 members and that is where most of the work is done. Looking back with fond memories on the Nevada Legislature, we're geared in this Legislature to get things done, to move forward and get legislation passed in a reasonable period of time. Although, I personally believe we got it done in a much more reasonable time in 1983 and 1985, and hopefully, this year you'll get it done in a more reasonable time. When I was looking back with nostalgic memories of serving here, when I saw what happened last session when you were as long as you were, there was a wave of relief that went over my body that I wasn't here that particular session. I remember the end of every session when all of us would leave. Senator Horn probably loves the Legislature more than anyone I have ever known in creation. I loved being a Senator more when we were home than I loved it when we were here. Senator Horn loves being here on a continual basis, and even Nick at the end of the session would say, "I'm never coming back again. I will never run again. I will never serve here again and I will never come back." But like a woman having a baby, I think after the session is over and the 18 months intervene, at the end of that time you've forgotten what it was like in those few days when all chaos broke loose, and we thought, "what is happening up here." You do miss it here, and I am proud to be one of your alumni. I wish I could be up here for your alumni meeting coming up, but unfortunately we're in session on that day. My heart will be with you because, as John F. Kennedy said, "I am still always a member of the State Legislature."

Two years ago, this was a different world when I spoke to you. The cold war, although cooling down, was far from over. The Warsaw Pact still existed and Germany was a divided nation. The changes which have taken place have been dramatic in that two years. The Warsaw Pact is now a part of history. Germany is reunited, and the Soviet threat to world peace is diminishing with each passing day. In fact, I was invited to a meeting this month of NATO and where was the NATO meeting going to be? In Prague, Czechoslovakia. That is really something none of us, two years ago, could have ever foreseen that countries like Poland, Czechoslovakia, Hungary, Bulgaria, Romania, etc., would be free from the Soviet occupation of the last 40 years. It's just remarkable. Even the Soviets showed up at our North Atlantic Alliance Meeting, which is the political wing of NATO. In fact, jokingly I told a Soviet official the other day, "When are the Soviets going to join NATO," and he said, "Hopefully in the next few years." I think that was joke, but I'm not sure.

When Congress adjourned for its August 1990 break, all of us thought a new era of world peace had begun. Just a few days later, Saddam Hussein would shock us back to reality. This tyrannical egomaniac invaded a defenseless, friendly nation. The rape, pillage and mass destruction that followed can only be compared to that of Hitler, or Pol Pot in Cambodia. I met with the Emir of Kuwait shortly after the invasion. The stories that were told to me were uncanny. The things that were happening to Kuwaiti citizens, most of you only became aware of after the fact when we liberated Kuwait. These things were going on. We knew about them; that is one of the reasons the decision was made to go in and free these people because it couldn't go on forever. We could not allow the rape, pillage, and the murder of innocents to go on and look the other way like we did in 1939 when Hitler's Germany began the extermination of those that they felt were inferior people.

The President's decision to send troops into Saudi Arabia was a correct one. In January, 1991, Congress authorized the use of force against Saddam. The entire Nevada delegation supported it. Both democrats and republicans supported the decision of the President. We thought it was necessary. We thought that if this kind of message were sent out to a reasonable man, it would show that the U.S. and her allies meant business. But Saddam

Hussein showed us he is not a reasonable man. He still believed our resolve was weak. He believed that the ghost of Vietnam forever tainted the soul of America. He found out how wrong he was.

Recent reports show that Iraq has been reduced to a preindustrialized nation status. The country is in havoc. It's in throes of civil war. I recently called on the floor of the House for the President to aid the Kurds. I think we should take an active part. We should not allow what happened to Kuwait to happen to the Kurdish people in northern Iraq. I, for one, don't care if Iraq is divided into one or two different nations. That's the price they'll pay. The Kurdish people have existed from the time of Alexander the Great. They were there before the Arabs ever entered Iraq. They were there before the Turks entered the Anatolian Plateau. The Kurds were the armies that fought Alexander's armies when they left Baghdad after the death of Alexander. They're four thousand, five thousand years old as a culture. They need our support. They need our help, and I'm hoping the Administration in the next few weeks will help the Kurds in their fight against this tyrannical oppressor, Saddam Hussein.

As a member of the House Armed Services Committee, I sat through days and months of briefings on the crisis. In fact, I told my wife people went home at night and watched CNN or other television broadcasts about the war. I was in shock from nine o'clock in the morning till late in the evening. All I heard was the war, the war, the war. We had briefing after briefing from General Powell, General Schwarzkopf, and Secretary Cheney telling us what the goals of our military were, and that we intended to engage in a war that we wanted to win. The first attacks on Baghdad were made by F-117's, the Stealth fighters, once based at Nellis Air Force Base. Those were the first fighters. In fact in the first 48 hours, 40 percent of all missions against the Iraqis were by Nevada based fighters. They delivered 40 percent of the attacks even though they only made up 5 percent of the aircraft in the Persian Gulf. They were remarkable. Not one F-117 was scratched. They never knew what hit them. They came right in and delivered bombs in such precision; it's unbelievable. The photographs from satellites are unbelievable. They could put a smart bomb from a F-117 right through that window over there. Not this window if they didn't want it; they could put it in that window right there and deliver it right on the Speaker's rostrum if they wanted to. That's how our technology is going.

I had a request from a young man, a Nevadan, who is a marine. It is Corporal Ed Walsh. He wrote me a letter and said, "Congressman, I'm driving an attack vehicle here in the Saudi desert. I'm going to be in one of the first waves that goes in, and I'd like a Nevada flag to fly on my vehicle." We hustled around and sent him one. I got a letter from him the other day. He said his vehicle went into Kuwait in the liberation. All the way in, he flew the Nevada flag. He's sending me pictures, and I'll get copies to all of you. The Nevada flag leading the attack into Kuwait because he wanted not only the people from all states, but he wanted the people in Kuwait and the world to know that Nevadans cherish their freedom like everyone else, and they were willing to fight and die for freedom for other people around the world. We compliment Corporal Ed Walsh, and I will send you all a copy of that picture because I think it's something that should be hung here in the Nevada Legislature.

In closed hearings before the House Armed Services Committee, General Powell scoffed at projections of 10,000 casualties. He scoffed at the reports going out from the press everywhere that we sent 10,000 body bags to Saudi Arabia to return bodies if that was the case. He estimated that we were running a smart air war. Our casualties in the air were minimal compared to what we expected earlier, and even those were going to be minimal. He also said he wondered why people thought we would run a dumb ground war when we ran such a good, effective air war. He said we would run a good, effective ground war as well. You know what happened, he predicted light casualties, but even he was astonished at the lightness of those casualties. There is no question in the world that we ran a smart air war, we ran a smart ground war, we were very effective in this war, and we will continue to be an effective military in the future.

The Armed Services Committee studied every new development of this war. Many of the weapons systems used had been approved in some cases, like the Patriot missile, and saved by the Congress. I don't think people realize in the 1980's the Administration

decided the Patriot was not an effective weapon and had it scheduled for cutting. Both sides of the aisle, Democrats and Republicans, fought to keep the Patriot. In fact the person who led the fight in the U.S. Senate was a then-Senator from Indiana by the name of Dan Quayle who fought to keep the Patriot against Ronald Reagan and the Department of Defense, who wanted to cut it. We decided to keep the Patriot. We thought it was effective, it would be good in conventional wars, even though at that time everyone said there would be no more conventional wars—the big one was coming with the Soviet Union—that was going to be the big war—and the Patriot would not be effective. Congress felt that the more likelihood of conflict in the 1990's and the turn of the century was limited ground wars of the size we fought in the Gulf. We kept the Patriot in the budget. It was there when I came in and we keep it funded on the Armed Services Committee, and that is why the Patriot was available to be used in Saudi Arabia. If it had been cut in 1981 or 82, we would not have a Patriot missile and we would have not had the effectiveness to keep Israel out of the war. And believe me, if we had not been able to knock down the Scuds from Iraq, Israel would have entered that war, and it would have been a lot more bloody war because some of our allied states would have probably sat on their hands at that point and we would have fought that war alone except for Britain and France.

Let me tell you something about the British. When the last Americans lined up against that wall and no one else was there to fight with us, the British would be there fighting with us. They are our strongest ally in the world. The only criticism I got from the British when I met with some of their leadership the other day is they think we should go all the way to Baghdad and take the guy out—they think we've only done it halfway and they think we should go tomorrow morning.

Our committee also kept intelligence briefings on the Soviets. We have had a tremendous rapport with the Soviets over the last two years. Since I was here the last time, our committee made up of about 20 of us, went to the Soviet Union for fourteen days. This was not a junket. We didn't stay at the nice hotels, we stayed at military bases all over the Soviet Union, from Alma-Ata, Kazakhstan to outside of L'vov to an armed unit with T-72 tanks, all the way down to Sevastopol where we stayed on a Soviet cruiser, and out to missile sites up above Moscow. They opened up these spaces to us. We went right down into the silos where the control centers were where two Soviet officers were there to push a button on each side. Of course, my first question was, where are these aimed at? I couldn't get an answer to that. It's kind of scary that one of them might be aimed at the United States, which probably most of them were, or at Nellis Air Force Base. But we went right down in those bases. The Soviet generals were kind of dismayed, you could see the look on their faces—here are a bunch of American politicians going down into those bunkers that even Soviet citizens had never done. In fact, the Soviet colonel that took us told us it was off limits to him. They didn't even have roads that we think of as roads—I mean something the State Department of Transportation can look at. They took big pieces of cement and stacked them side by side like cobblestones. We went out there about 80 miles by bus the whole way across the country. I'm just joking, State Department of Transportation, I hope you know that. But it was not the kind of roads we talked about because no one ever went out there except the military. They took us right down to their most classified areas because they are trying to open up to us.

During the war there was criticism of the Soviets at times because of their participation in trying to obtain a withdrawal from Saddam Hussein from Kuwait prior to the launching of a ground war. Let me tell you. We did not discourage the Soviets from doing that, in fact we encouraged the Soviets to take part in the process. We still hoped up to the last hour that Saddam Hussein would come to his senses and would leave Kuwait peacefully. The Soviets kept us apprised of their negotiations; they kept us apprised constantly of everything going on. They were a staunch supporter of us during the war; they continue to support us in the peace process. They've not vetoed one resolution in the United Nations that we've proposed; they, in fact, have voted for practically every resolution that we proposed, and the U.N. is functioning like Franklin Delano Roosevelt, Churchill and the others envisioned the U.N. would function in 1945. It can and will be an effective way of obtaining peace in the world as a new world order takes place, a new world order where big countries cannot cannibalize small countries, where the meek do not have to be fearful

of the mighty. The fact is, the U.N. can be a voice working in conjunction with the world powers. The Red Chinese also participated. They cooperated but not like the Soviets did. There is turmoil in the Soviet Union right now; they are in a state of terrible problems. There will probably be a return to some sort of dictatorship, but at the same time we have no evidence from our intelligence sources that the Soviet Union is changing any of its capability from defensive to offensive. Over the last few years, they have changed their whole military policy to a defensive position. Nothing in our intelligence reports shows any evidence that the Soviet military is changing. They are modernizing their force like we are, but they are not increasing it; they've withdrawn almost totally from eastern Europe, and by the next two to three years, they will be out of eastern Europe. Those emerging democracies will be free of Soviet domination for the first time in nearly half a century.

Let's all rejoice in how this war went. We kept the casualties to a minimum, but as General Schwarzkopf has said, "any loss is too great." We also anguished for the Iraqi people. They have suffered so terribly in this war. We don't have any estimates of what the total Iraqi casualties were. We know that we bombed bunkers that caved in when we hit them. We don't know what was under those bunkers. In some cases we've heard that there was a battalion of soldiers underneath there when they caved in. Casualties could well exceed 150,000 dead at the present time, just the military dead. And right now we know what is going on in Iraq, hundreds of thousands of people will probably die in the rebellion of both the Kurds in the north and the Shiites in the south. This massacre is going on, the war is going on, and let's hope that soon Saddam Hussein will be out of this world and brought to trial as a criminal, which he is, a war criminal.

I would like to tell a little story first of what General Colin Powell told me about how well our units worked. You know, we have tremendously superior military equipment. We proved that in Iraq. The Russian aircraft and the mirage aircraft from the French didn't stand up at all against our planes. Let me tell you something, people talk about the Iraqi aircraft pilots being weak, that they didn't know how to fly their aircraft. Let me tell you, the mirage aircraft people were really trained well by the French. In fact, that is one of our biggest bones of contention right now after the war is over. Why should our ships and their ships, the French and the British, have to worry about missiles supplied by the French hitting them off the coast with our own technology transported to the Iraqis and the British technology sent to the Iraqis. What we found in dealing with them is the fact that even the well-trained pilots the French trained from when they were enlisted all the way through training in France; if they didn't meet the muster of what they thought they could do and perform, they were sent back to Iraq and a new pilot was sent out until the mirage pilots turned out to be as good and as well trained as any French pilot. They were very effective against the Iranians, they just virtually destroyed the Iranian aircraft, but the fact was when they came up against the American Navy and Air Force pilots, they weren't even close to being a match. Our equipment was far superior, our training was far superior. We don't have to worry. In fact, one of the things that came up recently was a friend of mine from the Academy of Sciences in Moscow who is a good friend said the Soviet military is in awe of the American military high technology. They thought the Soviet equipment could stand up against the American equipment. They found that it couldn't. Their air defenses were useless, their planes could not compete with our planes, their tanks were utterly destroyed.

Getting back to what I mentioned about General Colin Powell. He told me a story about an American armored division that was coming over a ridge and down into the valley; it was a terrible day; it was raining and there was fog and they could only see about 500 meters in front of the tanks. But the high-tech visability equipment that they had was so fine tuned that 2,500 to 3,500 meters away they spotted an Iraqi republican guard division heading straight for them. They didn't know the Americans were there. The Americans sighted in, they waited, and when the Iraqis got within range, they started picking them off. Within the next few minutes two-thirds of all the Iraqi T-72's, which were their best tanks, were destroyed. The remaining tanks turned around and started to high-tail it out. The American tanks pursued but our M-1 tanks are faster. General Colin Powell referred to what they shot, but I'll say the rear end of the tank, and they blew them apart. Not one

Iraqi tank escaped that day. They wiped out an entire republican guard division, the elite, the ones that were supposed to be the tremendous troops. Every single tank was destroyed, and not one single American tank was hit, not one was even damaged in the least way. That's how our equipment has stood up, and that's what everybody in the world is in awe of. In fact, a comment was made in committee the other day, we don't have to worry too much about the Russians selling military equipment to the Third World because no one wants it. They want American high-tech equipment because it is far superior to any other.

Not everything in the war, however, went like clockwork. I don't want to give you a false impression. This year I sit on three subcommittees, on Procurement, on Mil-Con, and on Sea Power. I always joke a little bit, from a landlocked state like Nevada, I keep asking for a naval base at Nellis on Lake Mead, but I can't get them to put one in yet. I guaranteed we would be immune from attack in that position. We found that our own sealift was inadequate. We had ships in mothballs sitting around San Diego, Norfolk and Newport News that were not in good maintenance when we took them out of mothballs. We found that we didn't have adequate airlift to get our troops over there, and one of our fears is that if next time we have one of these conflicts—and God forbid we ever have one—let's hope we never have another one—but if we do have one, will we have four months to prepare for it and to move the troops from the United States or Europe or Asia to that particular hot spot and get prepared. Saddam Hussein gave us adequate time to get ready, but would we have been ready if we had to go in a hurry? So we're concerned on airlift, we're concerned on sealift. Money will be spent in that area in the next few years to increase our capacity to move from point A to point B in a minimal amount of time.

Some of you have asked me the question, now that the war is over—first let me point out the war is not over, there is only a temporary truce. We hope it's over but it's not over. But when it is over, and hopefully that's shortly from now, what will happen in this country. I have been asked by both sides of the aisle here, what is going to happen with the military. Are we disregarding all the cutbacks and the peace dividends that we projected to have after the cold war came to an end, or are we going to continue with this massive military buildup that we experienced in the 1980's. I think it's a good question because one of the problems we face is, where do we get the money to fund the federal deficit that we have today. Let me tell you, we are continuing to cut. The Administration is moving forward with the cuts that we proposed before this war. Everything is on schedule. The military will be cut one-third over the next five years; that means one-third less personnel will be in all branches of the service, and military personnel make up 50 percent of the cost of the military budget. Some of those losses will be sustained in the reserves and guard, but the majority of that loss will fade away and be gone. That doesn't mean that the United States, and some of you are concerned, will have less national security. We hope that by the cuts we make and the projections we've made, we will have a "meaner and leaner" military machine. We believe we can do it. It is going to be done over five years, and, in fact, you will find that the military budget in 1995 will be less than the military budget in 1989. That is remarkable because in the 1980's the average increase in the military budget was somewhere between 10 and 14 percent. So we're talking about cutting the budget and having less money spent in actual dollars which cannot be inflated for inflation. This is actual dollars being spent on the military in 1995, less money than was spent in 1989. That is very important because the budget summit that we just passed in 1990 called for spending caps and what the budget will be. Of course, one of the problems we have is the fact that everything has kind of fallen apart in that budget agreement because of the recession and the war. The recession is deeper than anticipated, it is causing us more problems, and our deficit is going to be larger. The projection was that by the mid 1990's we would have a balanced budget. Now, as we always hear, we're talking about the end of the 1990's as the time we can have a balanced budget.

How does that affect you? It basically means that the federal government cannot be as good a partner as it has been in the past. Now, some of you will say we haven't been a very good partner in the past anyway, but we are going to be less of a partner in the future. Many of you sitting in the money committees right now know what has been happening. More and more programs are being sent from the federal government directly to the states,

and we are giving you very, very little money to fund them. Where we are giving you money to fund them in the future, we are saying that you have to make up a bigger and bigger share of that pie. You are having all the special interest groups coming to Carson City saying, "Don't cut my program. You have got to match dollars with us for the federal program that has been created." You are under tremendous pressure to perform these programs. That is going to be the way of the future, unfortunately. I wish I could come up and say, "Hey, for the next couple of years, things are going to change." It is going to get worse. The pie is getting smaller and smaller that we are going to be able to give you a slice of.

Our delegation works well together. Not only the two Democratic Senators, Congressman Vucanovich and myself work well together. We work well together to try to get a fair share, a name that I love, of the monies for the state of Nevada. We continue to try to get those monies here and we will get our fair share of those dollars, but the pie is so thin that even our fair share is going to get worse and worse. We are going to send back this money to you, and you are going to have to do the things you have to do, either cut programs or raise taxes. We give you no choice. I am sorry but that is the choice we have.

On our end, we are going to have to do the same thing that you are going to have to do here. We must trim government bureaucracy. It is too bloated. It is in terrible shape. Unfortunately, we found being back there that the only people who know how budget bloated it is and where all the budgets can be trimmed are the bureaucrats themselves, and they are not telling. You have the same problem here.

I remember years ago when Governor O'Callaghan was just elected, and of course, Mike had worked in the bureaucracy. A couple of his department heads that he had appointed came up and said, "I need more people here and I can't function unless I have more people, and so forth, and we are losing revenue if we don't have more people here." I remember Mike telling me the story how at that time he got up and he said, "Listen, I have been in the bureaucracy all my life and I know what you are telling," and he said it in little less polite terms, you know Mike O'Callaghan, but he said, "I want this knocked off right now. You don't need all these extra people, you can function with less people and you can do the job with less people." We have got to do that on the federal level, we have got to cut the bureaucracy, and you have got to do it here at the state level. It is a tough job. I know that the Public Employees Groups don't like this little comment. I am sorry about that but you know yourselves that we have got to get this thing under control. We have got to pay our people well for the jobs they do but we have got to get the budget under control.

In our area we have got to get procurement mismanagement down in corruption. We are being ripped off constantly by defense contractors and others that overcharge and overstate the cost of their goods. We have got to save millions in defense and other areas in government procurement and you can look at the same. We have got to manage our assets much better on the federal level. Something that is very controversial, something my own party does not like very well, but what we have got to do, and do it now, is give the President of the United States the line-item veto. I would like to work within Congress to reform the appropriation process. I would like to come back to you and say, we can do it ourselves but it has become so corrupted within our own system that people in higher echelons of the Appropriating Committees are able to put special interests, pork barrel types of legislation in, and the members as a whole cannot do anything about it. What happens is, they put money into programs that are in the massive budget items. For instance, if you have an appropriation of $15 billion, you have to vote against the entire appropriation. You may have problems like money for veterans, veterans hospitals, housing for the poor and programs that you know are well needed. At the same time, a Senator from North Dakota can put in $500,000 to establish a Lawrence Welk Museum in North Dakota. Now how do you cut it out. You cannot go to the Rules Committee, because the Rules Committee will not give you a rule to put an amendment.

In the House of Representatives, the Rules Committee is all powerful. If in this particular case, Myrna Williams wants an amendment and she goes before the Rules Committee and says, "I want to take out the $500,000 for the Lawrence Welk Museum," unless the Rules Committee says, "You can introduce that amendment," you cannot make

that amendment on the floor, so you cannot take it out. In most cases, the people that are putting it in have cut a deal with someone else. The Rules Committee will not take it out. Now we just passed last week a resolution taking it out.

I saw in the paper today that Lawrence Welk now says he wants the $500,000 to go to the museum. I also know that the Congressman from Idaho, where his wife and daughter live, told him just a month ago that the grant was an embarrassment to the Welk family and that they would have rather that it had never been put in. That is just one little seed of the problems that we face back there. I can't get it changed. Senator Bryan can't get it changed, Senator Reid or Congressman Vucanovich and the majority of members can't get it changed. We have to give the President the ability to cut some of these items out. I will presume that any President, Democrat or Republican, will exercise that right very limitedly and will not arbitrarily cut good programs out. If he does, we still have the right to override his veto and put these programs back in. Members will not tolerate decent programs being cut without overriding him. The fact is, we have got to get the process under control because the federal budget is bloated and has to have some of these "special" projects cut out.

Also, the states should continue to exercise their rights under the Tenth Amendment that declares "the powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively." The states are all too eager in many situations to advocate their choices to Washington. Unfortunately, since I have been back there, I have found Washington is all too willing to take over and start legislating in those areas. Whether it is gun control, whether it is women's issues, franchising, taxes, the federal government would love to do all the laws for you and set them all up for you from top to bottom. Believe me what some people from California, Maine, Illinois or Louisiana feel about certain issues may be 180 degrees from what Nevadans feel on those same issues. I think it very important that the states hold the rights they have, cover areas. I mentioned franchising. Let me tell you there are twelve states that have franchising laws in this country. The federal government is going to come in and preempt them all in the next few years unless states do something about franchising. That is just a small minute area. We are going to come in right down the line and we are going to write federal laws instead of uniform laws that maybe each state will work together and try to handle. We will take those powers from you. I think it is very important that you exercise those rights. You correct and you make sure that on personal issues and business issues that the state writes the laws, not the federal Congress because, believe me, you are closer to it, you understand the problems. You can do it much better than the United States Congress can do it.

In closing, let me compliment you on something very near and dear to my heart. I would like to thank you for passing A.B. 204 and S.B. 202. These are positive pieces of legislation which force a small bit of fairness into the NCAA process. Other states will follow and hopefully the Congress will pass legislation that will compel the NCAA to adopt meaningful due process in their governing of member institutions. In the next few weeks, myself and many, many cosponsors, we hope up to 80 to 100 cosponsors, will introduce legislation that will compel the NCAA to give due process on the national level. We believe that this year is ripe for it. As our UNLV Rebels are back there in Indianapolis winning, without doubt, their second national championship, we will be here in Congress fighting to make sure that legislation addresses what they said and what was brought up by the cases that Coach Tarkanian has brought against the NCAA. I urge all of you to read a book that just came out called *Undue Influence*. You read that book and if anyone can read that book and at the end think that the NCAA is not a star chamber type of proceeding, boy I tell you, they did not read the book or did not read the same book that I am reading. I would like to compliment all of you. You took the courageous stand, you did not buckle into the NCAA. They are running a lap around the hill right now like a bunch of beetles, trying to cover every office, trying to kill this bill. They will continue to do it across the country. Your courage, you did the right thing, which you usually do here in the Nevada Legislature, and I am sure you will do the right thing the rest of the session which is something to be admired. That is why I say, I am proud to be an alumni of your legislature.

You know, I offered four years ago that I would open my office up to all of you. Some of you have used it effectively. The Public Lands Committee uses my office like it is their office. In fact, I walk in half the time and they are behind my desk using my phone. That is okay. I expect Jack Vergiels is laughing, he knows who I am talking about. Anyway, we are open to you. My office will help you with scheduling. We have said that before. We will help you set up appointments. Sometimes your staff has called up and said, "I can't get in to see Bruce Bento, head of Public Lands or I can't get in to see George Miller" or "I can't get in to see this person or that person." I will get you in to see him. We will open those doors for you and we have done that. Members of the Public Lands Committee can tell you that. A lot of you don't use it like you should.

I don't care if you are Republican, Democrat or now a Socialist, we have in our federal government, I don't care what party you come from. If you are from Nevada and you are back there and you need help, you come to my office, we will help you. We will be your message center. If you need messages called in there, passed over to you, you can call in, we will do that for you. I offer it, my office is your office. It is Nevada First Congressional District but it is for the whole state. Continue to use my staff, continue to use my office, continue to use my phones, whatever else you want to use, and we will continue to help you get things done for this state. Like I said, you have done a great job, you are a great Legislature. Thank you for having me and God bless all of you.

Senator Rhoads moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Bilbray for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Spitler moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:53 a.m.

## ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 31.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Haller.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. August of 1990 was a very sad time because Nevada lost one of her favorite sons, Dr. Louis Lombardi. Dr. Lombardi was a devoted husband, a loving father, grandfather, a distinguished physician and a community leader. As it said in the resolution, he was a native of Reno, graduated from the University of Nevada, took his medical degree from St. Louis University and returned to Nevada to begin his clinical practice.

When the war began, he answered the call to duty, served in Guam and Iwo Jima, and came home highly decorated. Although Dr. Lombardi's passion was medicine, his great love was the University. He did serve for over 30 years as University Regent. When Dr. Lombardi began as a University Regent, the University of Nevada in Reno was the University of Nevada System. During his tenure, he helped to shape first an institution called Nevada Southern, which later became University of Nevada-Las Vegas, of which we are all very proud.

He helped to establish the Community College System and one of his crowning achievements was the establishment of the University of Nevada School of Medicine. After he left the service on the Board of Regents, he served for many years as a member of the school's Advisory Board.

It is altogether fitting and proper that we pause today to pay tribute to this distinguished Nevadan. He is no longer with us, but we will always remember him and he will forever have a place in our hearts. Thank you.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. I just have a short comment. I ran across Dr. Lombardi at the University on some occasions but one thing that sticks in my mind was an occasion when I was helping someone who was campaigning against him. He really ran a campaign that was hard. It looked bad there for a while because he was terrific. Thank you.

Resolution adopted unanimimously.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 475—An Act relating to campaign practices; providing for the disposition of unspent contributions after an election; limiting the amount of campaign contributions which may be given to a candidate for a city, county or state office; limiting the amount of campaign contributions a candidate for a city, county or state office may accept from a single source; prohibiting the acceptance of contributions by legislators at certain times; requiring the disclosure of the contributions received by persons other than

candidates; prohibiting a public officer from accepting an honorarium during his term of office; providing penalties; making various other changes relating to campaign practices; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 476—An Act relating to public utilities; excluding certain facilities from the definition of a utility facility; creating certain exemptions from the requirement that a permit be obtained for the construction of such a facility; establishing a presumption of the need for a facility under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Norton, Bennett, Petrak, Garner, Little, Gregory, Scherer, Elliott, Anderson and Porter:

Assembly Bill No. 477—An Act relating to utilities for mobile home parks; limiting the manner in which a landlord of a mobile home park may interrupt service for the nonpayment of charges; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—An Act relating to education; creating a program for the professional development of teachers; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 479—An Act making an appropriation to the trust fund for low-income housing; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 480—An Act relating to economic development; abolishing the commission on economic development; creating a department of economic development; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 111.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 142.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 193.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 205.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 243.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*1. Every committee for political action shall report on the form*".

Amend section 1, page 1, line 10, by deleting "*him*" and inserting "*the committee*".

Amend section 1, page 1, by deleting lines 11 and 12 and inserting:

"*2. Each contribution in excess of $100 and contributions which a contributor has made cumulatively in*".

Amend section 1, page 1, line 13, by deleting "*$500*" and inserting "*that amount*".

Amend section 1, page 2, line 25, by deleting: "*person may make his*" and inserting: "*committee may make its*".

Amend sec. 4, page 3, by deleting lines 22 through 29 and inserting:

"*4. The contributions in excess of $100 made to each committee for political action.*".

Amend the title of the bill, second line, by deleting: "persons other than candidates;" and inserting: "committees for political action; providing penalties;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to committees for political action. (BDR 24-1273)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Elliott moved that Senate Bill No. 211 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Elliott.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 426.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 30.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 204.

Amend section 1, page 1, line 17, after "provided in" by inserting: "*paragraph (d) or in*".

Amend section 1, page 2, line 12, after "(d)" by inserting: "*If the battery is committed upon an officer who is performing his duty and the person charged knew or should have known that the victim was an officer, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.*

*(e)*".

Amend section 1, page 2, line 15, by deleting "(e)" and inserting "[(e)] *(f)*".

Amend section 1, page 2, line 19, by deleting "(f)" and inserting "[(f)] *(g)*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 193.

Amend section 1, page 1, line 6, by deleting "*$75*" and inserting "*$50*".

Amend section 1, page 1, line 9, after the period by inserting: "*The court may lower the amount of the fee imposed pursuant to this subsection if it determines that the defendant is unable to pay the entire amount.*".

Amend section 1, page 1, line 20, by deleting "*state general*" and inserting "*appropriate state*".

Amend section 1, page 2, line 11, by deleting "*certified*" and inserting "*approved*".

Amend sec. 2, page 2, line 17, by deleting "[$50] *$75*" and inserting "$50".

Amend sec. 2, page 2, line 23, after the period by inserting: "*The court may lower the amount of the fee imposed pursuant to this section if it determines that the defendant is unable to pay the entire amount.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 296.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Haller moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1906), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Haller.

Roll call on Assemblyman Haller's motion:

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman Porter moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1988), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Porter.

Roll call on Assemblyman Porter's motion:

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 149.

Bill read third time.

Remarks by Assemblymen Wong and Scherer.

Assemblyman Garner moved that Assembly Bill No. 149 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblymen Garner and Heller.
Roll call on Assembly Bill No. 151:
YEAS—42.
NAYS—None.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 154.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 154:
YEAS—42.
NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 166.
Bill read third time.
Remarks by Assemblymen Haller and Sader.
Roll call on Assembly Bill No. 166:
YEAS—42.
NAYS—None.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 3.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 3:
YEAS—42.
NAYS—None.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 47.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 47:
YEAS—39.
NAYS—Carpenter, Little, Wong—3.

Senate Bill No. 47 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 89:
YEAS—42.
NAYS—None.

Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 126.
Bill read third time.
Remarks by Assemblyman Hardy.
Roll call on Senate Bill No. 126:
YEAS—38.
NAYS—None.
Not voting—Elliott, Porter, Spitler, Wendell Williams—4.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 131.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Senate Bill No. 131:
YEAS—42.
NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Joint Resolution No. 11 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.
Remarks by Assemblyman Giunchigliani.
Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 77, 90, 93.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dick Berry, Mss. Ann Blackwell, Martha Borgaard, Cindy Brown, Mr. Max DeHerrera, Mss. Pam DeHerrera, Cheryl Downey, Messrs. Ed Downey, Bob Esquibel, Mss. Margie Esquibel, Bev Schrader, Messrs. Don Schrader, Gene Williams and the

following members of Hands In Harmony: Whitney Ahistrom, Brian Berry, Michael Berry, Carissa Birge, Beth Blackwell, Misty Brown, Shannon Burns, Mike Capps, Janay Castro, Shannon Chaput, Andrea DeHerrera, Chris DeHerrera, Celie Downey, Brian Esquibel, Lisa Esquibel, Pam Jones, Kelli Lesh, Brea Olson, Jennifer Olson, Rachel McGraw, Trevor Medley, Megan Schrader, Wes Schrader, Chris Tapp and Aimee Williams.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Kathy Hone, Lois Sarman, Betty Cordes, Peggy Benson and Luetta Bergevin.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Mary Lou Lombardi, Mss. Susan Lombardi, Sara Thorman, Helen Petricciani, Silvia Petricciani, Dr. Jon Chancellor, Mesdames Dana Chancellor, Jessica Chancellor, Messrs. J. J. Chancellor, Dean Goss, Mss. Dula Goss, Mr. Alex Goss, Colonel Alex Lemberes, Mss. Carol Koltar, Dula Lemberes, Mr. Grant Bowen, Mesdames True Bowen, Marion Gallaway and Mr. Allen Gallaway.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Squier Jones, S. McGowan and students from Lund High School, Lund: Mike Barbarigos, Lamar Gardner, Brandi Mangum, Cameron Horsley, Nicole Oxborrow, Joni Wise, Stephanie Carter, Paula McGowan, K. C. Gubler, Steele Hendrix, Clinton Manzonie, Cecelia Jones, Cory Gardner, Andy Petersen, Jennifer Horsley, Kassi Peacock, Celeste Spear and the following Girl Scout Troop 90, Fallon: Mrs. Helen Simms, Mr. Ron Simms, Girl Scout Kristen Simms, Girl Scout Crystal Flagg and Girl Scout Kim Radonski.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lela Jackson and Amber Andreasen.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tambra VanVleck.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ursula Kirschner.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 28, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), March 28, 1991

Assembly called to order at 10:50 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sami Perez.

O God, Your word states You will grant wisdom if asked. Each session in the Assembly has its unique problems and difficulties. We ask that You please help in the refinement and clarification of each particular, granting wisdom to each in the decisions made as a body. We ask in Your name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 380; Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 27, 145, 266, 331.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 277.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, March 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 32.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 481—An Act relating to real property; requiring uniformity of terminology for zoning designations within each county; requiring certain sellers of land to disclose additional easements, zoning designations and other authorizations that affect an adjoining parcel of land; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, Wendell Williams, Norton, Bayley, Scherer, Carpenter, Johnson, Haller, Elliott, Bergevin, Anderson, Garner, Kerns, Freeman and Lambert:

Assembly Bill No. 482—An Act relating to public roads; creating an advisory committee to study methods for the removal of snow and ice from roads in the Lake Tahoe Basin; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 27.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 145.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 266.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 277.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 331.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 213.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 360.280 is hereby amended to read as follows:

360.280 1. All county assessors shall:

(a) Adopt and put in practice the manuals and regulations established and prescribed by the Nevada tax commission governing the assessment of property.

(b) Keep assessment rolls or tax lists in the form and manner prescribed by the department.

(c) Use and require property owners to use [the blank] *property* statement forms [prescribed] *approved* by the department for [making property returns.] *reporting personal property.*

(d) Maintain a complete set of maps to accurately describe and illustrate all parcels of land as provided in chapter 361 of NRS.

2. Boards of county commissioners shall supply books, blanks and statements in the prescribed form for the use of county assessors.".

Amend sec. 9, page 6, line 34, after "2." by inserting: "*Each claim for an exemption provided for under this chapter must be filed with the county assessor of the county in which:*

*(a) The claimant resides for personal tax exemptions; or*

*(b) The organization's principal business office is located for the tax exemption of an organization,*

*regardless of the location of the property for which the exemption is claimed.*

*3.*".

Amend sec. 9, page 6, line 39, by deleting "*3.*" and inserting "*4.*".

Amend sec. 9, page 6, line 40, by deleting "*2,*" and inserting "*3,*".

Amend sec. 9, page 6, line 44, by deleting "*4.*" and inserting "*5.*".

Amend the bill as a whole by deleting sec. 24 and inserting:

"Sec. 24. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sec. 34 as sec. 35 and adding a new section designated sec. 34, following sec. 33, to read as follows:

"Sec. 34. NRS 362.040 is hereby amended to read as follows:

362.040 Upon [presentation of an affidavit, certified by the county recorder, to the county assessor on or before November 1 of the year before the fiscal year for which the assessment has been levied] *receipt of an affidavit from the county clerk pursuant to NRS 362.050 stating* that at least $100 in development work has been actually performed upon the patented mine or mining claim during the federal mining assessment work period ending within the year before the fiscal year for which the assessment has been levied, the assessor shall exclude from the roll the assessment against the patented mine or mining claim named in the affidavit.".

Amend sec. 34, page 17, by deleting lines 8 through 10 and inserting: "the constitution of this state, the owner must [file] *submit* an affidavit *to the county clerk for the county in which the mine is located* on or before December 30 covering work done during the 12 months next preceding".

Amend sec. 34, page 17, line 12, after "affidavit." by inserting: "*Upon receipt of such an affidavit, the county clerk shall cause it to be recorded in the office of the county recorder and transmit it to the county assessor.*".

Amend the bill as a whole by renumbering sections 35 and 36 as sections 37 and 38 and adding a new section designated sec. 36, following sec. 34, to read as follows:

"Sec. 36. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this state shall file an application for a number and for a certificate of ownership with the department of wildlife on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the department of taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the department of wildlife may require.

The department of wildlife shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of $5 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

| | |
|---|---|
| Less than 13 feet | $10 |
| 13 feet or more but less than 18 feet | 15 |
| 18 feet or more but less than 22 feet | 30 |
| 22 feet or more but less than 26 feet | 45 |
| 26 feet or more but less than 31 feet | 60 |
| 31 feet or more | 75 |

Except as otherwise provided in this subsection, all fees received by the department of wildlife under the provisions of this chapter must be deposited in the wildlife account in the state general fund and may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the department shall deposit with the respective county [treasurers] *school districts* 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. [The county treasurers shall credit the money so deposited for the use of their respective county's school district.] Upon receipt of the application in approved form, the department of wildlife shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the commission in order that the number may be clearly visible. The number must be maintained in legible condition.

4. The certificate of number must be pocket size and must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

5. The commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The fee for each such number is $7.50.".

Amend sec. 36, page 18, by deleting line 12 and inserting:

"Sec. 38. 1. NRS 361.175, 361.563, 361.564 and 362.080 are hereby repealed.

2. Section 50 of chapter 796, Statutes of Nevada 1989, at page 1920, is hereby repealed.".

Amend the bill as a whole by adding new sections designated sections 39 and 40, following sec. 36, to read as follows:

"Sec. 39. The requirement in subsection 2 of NRS 361.155, as amended by this act, concerning the place at which a claim for exemption must be filed, applies only to claims initially filed after July 1, 1991.

Sec. 40. This act becomes effective on July 1, 1991.".

Amend the text of repealed sections by adding after the text of NRS 361.564:

"*362.080 Affidavit to be recorded in office of county recorder.* The affidavit must be recorded in the office of the county recorder for the county in which the mine is located.

Sec. 50. NRS 361.340 is hereby amended to read as follows:

361.340 1. Except as provided in subsection 2, the board of equalization of each county consists of:

(a) Five members, only two of whom may be elected public officers, in [counties having a population of 10,000] *a county whose population is 18,000* or more; and

(b) Three members, only one of whom may be an elected public officer, in [counties having a population of] *a county whose population is* less than [10,000.] *18,000.*

2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. If [such] an additional panel is added, it [shall] *must* determine the valuation of residential real property and the other members of the board [shall] *must* sit separately to determine the valuation of all other property subject to its jurisdiction.

3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.

4. The chairman of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chairman of the board of county commissioners shall designate one of the appointees to serve as chairman of the county board of equalization.

5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his elected office.

6. The county clerk or his designated deputy is the clerk of each panel of the county board of equalization.

7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in their county who are not elected public officers as they deem adequate for time actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed $40 per day.

9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.

10. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. Each county board shall cause to be

published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before February 20 of each year except as to matters remanded by the state board of equalization. The state board of equalization may establish procedures for the county boards, including setting the period for hearing appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his deputy shall be present at all meetings of the county board of equalization to explain the law and the board's authority.

11. The county assessor or his deputy shall attend all meetings of each panel of the county board of equalization.".

Amend the title of the bill, sixth line, after "taxes;" by inserting: "repealing the prospective change in population classifications governing the number of members on the county boards of equalization; revising the procedure for the distribution of fees collected for the registration of motorboats;".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 227.

Amend sec. 6, page 2, line 15, by deleting "*30*" and inserting "*60*".

Amend sec. 6, page 2, line 19, by deleting "*30-day*" and inserting "*60-day*".

Amend sec. 8, page 3, line 10, after "*substance*" by inserting: "*is not an immediate precursor of a controlled substance and*".

Amend sec. 11, page 3, line 29, by deleting "*board*" and inserting "*division*".

Amend sec. 11, page 3, line 32, by deleting "*shall*" and inserting: "*and the division may*".

Amend sec. 11, page 3, line 39, by deleting "*shall*" and inserting: "*and the division may*".

Amend sec. 11, page 3, line 40, by deleting "*shall*" and inserting: "*and the division may*".

Amend sec. 11, page 3, line 43, by deleting "*board*" and inserting "*division*".

Amend sec. 12, page 4, by deleting lines 1 and 2 and inserting:

"Sec. 12. *1. If a person who has not previously been convicted within the past 10 years of any offense under NRS 453.011 to 453.552, inclusive, and*".

Amend sec. 12, page 4, line 12, after the period by inserting: "*Such a program must include frequent urinalysis to determine that the accused is*

*not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.*".

Amend sec. 12, page 4, line 20, by deleting "*Discharge*" and inserting: "*Except as otherwise provided in subsection 4, discharge*".

Amend sec. 12, page 4, between lines 31 and 32, by inserting:

"*4. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the application or licensee concerning any such proceeding with respect to him.*".

Amend sec. 19, page 5, line 43, by deleting "*an immediate*" and inserting "*a*".

Amend sec. 27, page 9, by deleting lines 2 and 3 and inserting:

"453.155 1. The board or division , *in cooperation with the health division of the department,* may carry out educational".

Amend sec. 28, page 10, by deleting lines 3 through 9, and inserting:

"Sec. 28. (Deleted by amendment.)".

Amend sec. 38, page 15, line 30, by deleting: ", *reduced promptly to writing,*" and inserting: "*reduced to writing promptly and in any case within 72 hours,*".

Amend sec. 38, page 16, line 5, after "*taken*" by inserting: "*in good faith*".

Amend sec. 41, page 19, by deleting lines 16 and 17 and inserting:

"2. [In the case of a person who is sentenced and convicted pursuant to subsection 5 of NRS 453.336,] *Except as limited by subsection 4, 3 years after an accused is discharged from probation pursuant to section 12 of this act,* the court shall order".

Amend sec. 41, page 19, line 26, by deleting "sentenced" and inserting "[sentenced] *discharged*".

Amend sec. 41, page 19, between lines 29 and 30, by inserting:

"*4. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.*".

Amend sec. 43, page 20, line 39, after: "issued in the" by inserting "*usual*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 122.

Amend section 1, pages 1 and 2, by deleting lines 12 through 25 on page 1 and lines 1 through 12 on page 2 and inserting:

"2. [Each driver of a school bus or a bus used to transport pupils for extracurricular activities must complete a training course approved by the state board of education which includes at least 10 hours of training while operating the vehicle, and 10 hours of training in:

(a) The responsibilities of drivers;

(b) The requirements for drivers of school vehicles;

(c) The laws affecting the operation of a school bus or a vehicle belonging to a school district;

(d) Defensive driving;

(e) Emergency procedures; and

(f) First aid.

3. Each driver must pass a written test each year approved by the superintendent of public instruction and administered by the local school district.] *In addition to the requirements of subsection 1, a person employed by a board of trustees of a school district as a driver of a school bus used to transport pupils to and from school or for extracurricular activities must hold a certificate issued by the state board to qualified drivers. Except as otherwise provided in subsection 3, the state board shall not issue such a certificate unless the applicant has successfully completed:*

*(a) Forty hours of training which is approved by the state board and conducted by the department or the school district. A driver is entitled to 10 hours of credit toward this requirement for obtaining a commercial driver's license; and*

*(b) A written test for the operation of vehicles transporting pupils which is developed by the state board.*

*3. The state board may issue a temporary permit to a person who has successfully completed a 20-hour training program which has been approved by the state board and successfully completed the written test. A temporary permit is valid for a period not longer than 1 year and is not renewable. Upon receiving satisfactory evidence of the successful completion of an additional 20 hours of such training, the state board shall certify the driver pursuant to subsection 2.*

4. A board of trustees may employ a pupil attending a school under the supervision of the board as a driver when he possesses the qualifications stated in subsection 1 and his guardian or parents first consent to his employment. [The board of trustees may arrange or contract, in writing, with the pupil, and with his parents or guardian if he is under the age of 18 years, for his services as a driver upon such terms, conditions and provisions and for such compensation as the board deems most economical and for the best interests of the school district, pupils and other persons.

5. Before January 1, 1984, the state board of education shall adopt regulations to carry out the provisions of this section.] *The board shall not permit the pupil to transport pupils in any motor vehicle which is designed to carry more than eight persons including the driver.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 143.

Amend section 1, page 1, by deleting lines 8 through 10 and inserting: "*tive numbers. The fee for the special license plates is $5, in addition to all other applicable registration and license fees and motor vehicle privilege taxes.*".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 335.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 337.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 164, 236, 248, 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 32.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter, Elliott and Little.

Resolution adopted.

Assemblyman Arberry moved that Assembly Joint Resolution No. 11 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 140.

Bill read third time.

The following amendment was proposed by Assemblyman Bergevin:

Amendment No. 278.

Amend sec. 2, page 2, line 34, after "*shall not*" by inserting: ", *except as otherwise provided in this subsection,*".

Amend sec. 2, page 2, line 36, after the period by inserting: "*If the initial period of disability was less than 9 months, the department, agency, commission or public agency shall pay, during the recurrence, the state's share of the costs of the premiums for a period which, when added to the initial period, equals not more than 9 months.*".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 426:

YEAS—42.

NAYS—None.

Assembly Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Remarks by Assemblymen Arberry and Porter.

Roll call on Senate Bill No. 30:

YEAS—42.

NAYS—None.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Senate Bill No. 296:

YEAS—42.

NAYS—None.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 68.

The following Senate amendment was read:

Amendment No. 150.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 2. *1. For each month in which a prisoner who is sentenced to a term of*".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. *1. In addition to the credits on a term of imprisonment provided for in NRS 211.170 and sections 2 and 4 of this act, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated shall deduct 5 days from his term of imprisonment for earning a general equivalency diploma or the equivalence thereof by successfully completing an educational program for adults conducted jointly by the local detention facility in which he is incarcerated and the school district in which the facility is located.*

*2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.*

Sec. 4. *1. In addition to the credits on a term of imprisonment provided for in NRS 211.170 and sections 2 and 3 of this act, the sheriff of the county or the chief of police of the municipality in which a prisoner is incarcerated may deduct not more than 5 days from his term of imprisonment if the prisoner:*

*(a) Successfully completes a program of treatment for the abuse of alcohol or drugs which is conducted jointly by the local detention facility in which he is incarcerated and a person certified as a counselor by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; and*

*(b) Is awarded a certificate evidencing his successful completion of the program.*

*2. The provisions of this section apply to any prisoner who is sentenced on or after October 1, 1991, to a term of imprisonment of 90 days or more.*".

Amend the title of the bill, second line, after "work;" by inserting: "requiring credits to be given for educational achievement; authorizing credits to be given for the completion of a program of treatment for the abuse of alcohol and drugs;".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 68.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Humke, Freeman, Sader and Kerns:

Assembly Bill No. 483—An Act relating to hazardous waste; increasing the penalty of violations of certain statutes relating to hazardous waste;

providing a penalty for any unlawful disposal of hazardous waste; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 164 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Callister.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblymen Heller and Callister.

Roll call on Senate Bill No. 164:

YEAS—41.

NAYS—None.

Absent—Wong.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 10, 11, 12.

## REMARKS FROM THE FLOOR

Assemblyman McGaughey requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

I would like to make a statement about Mr. Wong's absence. I take some fault in this. We knew at Ways and Means that the Chairman of the Committee, yourself and everyone concerned about the Historical Mint Building wanted to move this bill today. Mr. Wong, however, did not realize another bill was to be voted upon. I think this is a lesson to all of us to go through the Speaker to inform the Speaker before leaving the floor when a session is still "alive" as they say. I think it is a lesson for all of us. We would just like to say that for the record to cover Mr. Wong's voting record due to this inadvertent absence. Thank you.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Nickel Bayley, Nathaniel Bayley and Ms. Natasha Bayley.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Lou Meacham and Mr. Takahiro Kobayashiy.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Paul Yates, Jack Skelton and John Hintsala.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Nicholas Serrano.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 1, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 1, 1991

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Chester Richardson.

Almighty God, the Creator and Protector of the Heavens and the Earth; we have assembled here today in one place on one accord to do great works in Your name. Empower each man and woman who labors this day so that the good citizens of our state may prosper. May You bless and keep their families, their living and their constituents. Help them to do the right thing. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 100, 394; Senate Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 112, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 7, 44, 109, 113, 145, 172, 203, 216, 217, 219.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 155, 204, and respectfully requests your honorable body to concur in said amendments.

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

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 322.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 85, 171, 230.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 76.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 85.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 171.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 230.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 322.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 220.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 1, lines 10 and 11, by deleting: "department of motor vehicles and public safety," and inserting: "[department of motor vehicles and public safety,] *state board,*".

Amend sec. 2, page 1, by deleting lines 21 through 23 and inserting:

"*(a) Has been designated by a school district and approved by the department;*

*(b) Is of sufficient depth and length to provide space for the bus to park at least 8 feet off the traveled portion of the roadway;*

*(c) Is not within an intersection of roadways;*

*(d) Contains ample space between the exit door of the bus and the parking area to allow safe exit from the bus;*

*(e) Is located so as to allow the bus to reenter the traffic from its parked position without creating a traffic hazard; and*

*(f) Is located so as to allow pupils to enter and exit the bus without crossing the roadway.*".

Amend the title of the bill to read as follows:

"An Act relating to the transportation of pupils; authorizing the designation of areas in which school buses may load and unload pupils without operating flashing red lights; clarifying the provisions proscribing certain conduct of motorists when approaching a school bus; and providing other matters properly relating thereto.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 342.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 152.

Amend sec. 3, page 1, line 17, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 380.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 34.

Bill read second time and ordered to third reading.

Senate Bill No. 236.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 3:

YEAS—42.

NAYS—None.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 335.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 335:

YEAS—42.

NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 337:

YEAS—42.

NAYS—None.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 105:

YEAS—42.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Senate Bill No. 118:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 204.

The following Senate amendment was read:

Amendment No. 218.

Amend sec. 16, page 4, by deleting lines 18 and 19 and inserting: "applies to any proceeding or portion of a proceeding of a national collegiate athletic association which is conducted after the effective date of this act. This act does not apply to any portion of a proceeding of a national collegiate athletic association which is conducted before the effective date of the act.".

Assemblyman McGaughey moved that the Assembly concur in the Senate amendment to Assembly Bill No. 204.

Remarks by Assemblyman McGaughey.

Conflict of interest declared by Assemblyman Scherer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 155.

The following Senate amendment was read:

Amendment No. 221.

Amend section 1, page 2, by deleting lines 15 and 16 and inserting:

"*(j) Money market mutual funds which:*

*(1) Are registered with the Securities and Exchange Commission;*

*(2) Are rated "AAA" by a nationally recognized rating service; and*

*(3) Invest only in securities issued by the*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 155.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1987), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Evans.

Roll call on Assemblyman Evans' motion:

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 484—An Act relating to judgments; creating additional exemptions from execution; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke, McGinness, Pettyjohn, Heller, Stout, Marvel, Bergevin, Lambert, Goetting, Little, Callister, Arberry, Giunchigliani, Spitler, Evans, McGaughey, Myrna Williams, Price, Garner and Freeman:

Assembly Bill No. 485—An Act relating to taxation; transferring the responsibility to collect the tax imposed on insurance premiums from the commissioner of insurance to the department of taxation; providing penalties; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Taxation.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 68; Senate Bills Nos. 3, 47, 89, 126; Senate Concurrent Resolution No. 31.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to the members of the South Lyon Medical Center: Mr. John Linscott, Mrs. Sandra Linscott, Ms. Kimberly Billmeyer, Messrs. Walter Erkkila and Ed Eaves.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Nevada Hospital Association Staff: Mr. Gerald Ash, Mss. Rosalyn Sattari, Peggy Levine, Kathy Stoltz, Robin Keith, Jo Anne Hill, Kathleen Allen, Jean Bawden, Mr. Bill Bennett, Ms. Jane Berdinski, Mr. Tom Dickerson, Mss. Elizabeth Duffrin, Cyndia Fernandez, Ellen Gadegarrd, Patricia Gibson, Ruth Gotelli, Kate Griswold, Felicia Grulli, Mr. George Hawes, Mss. Linda Hoover, Shirley Hughes, Janet Hunewill, Jane Kimball, Wendy Knorr, Beverly Landolt, Chris Logan, Georgia McGuire, Sharon McCarley, Shirley Meskimen, Catherine Monteith, Leigh Parker, Karla Perez, Phyllis Bowles, Peggy

Cavin, Betty Ihfe, Margaret Underhill, Carol Myers, Janice Pine, Allison Ramsey, Susan Roberts, Lynn Rosenbach, Joyce Schaaf, Susan Snyder, Messrs. Richard Stebbins, Jerry Sommerville, Perri Tiggeman, Sister Susan Vickers, Mr. Wayne Winney, Ms. Anne Reiger, Mr. Jack Wood, Mss. Joanne Craven and Diane Long.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Crista Sharp.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Geno Fitzgerald, Mesdames Nora Christensen, Eleanora Diettern and the following Boy Scouts, Troop 16, Carson City: Casey Fitzgerald, Ben Kellohz, Seth Christensen, Nathan Christensen, Matt Christensen and Spencer Ericksen.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 2, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:50 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 2, 1991

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Goetting and Marvel, who were excused.

Prayer by the Chaplain, The Reverend Chester Richardson.

Almighty God, as these great men and women prepare to be about the works of this noble Assembly, we take this moment to pause and give praise to Your glorious name. Lord, thank You for the sacrifice and commitment to the people they serve. Strengthen them in their moments of fatigue, enlighten them in their periods of doubt. May this body never cease to work towards a state that is peaceful, productive and prosperous for all our citizens. We claim this victory in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bill No. 389; Senate Bill No. 231, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 301, 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Concurrent Resolution No. 34; Senate Concurrent Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 69, 256; Senate Bills Nos. 92, 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 83, 95, 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Bills Nos. 88, 92, 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 323, 353.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 53, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 182, 243, 294.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 182.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 243.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 294.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 100.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 112.

Bill read second time.

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

Amendment No. 206.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 248.275 is hereby amended to read as follows:

248.275 1. The sheriff of each county in this state may charge and collect the following fees:

| | |
|---|---|
| For serving a summons or complaint, or any other process, by which an action or proceeding is commenced, except as a writ of habeas corpus, on every defendant...[$7.50] | *$12* |
| For traveling and making such service, per mile in going only, to be computed in all cases the distance actually traveled, for each mile.....[1.00] | *1* |
| If any two or more papers are required to be served in the same suit at the same time, where parties live in the same direction, one mileage only may be charged. | |
| For taking a bond or undertaking in any case in which he is authorized to take a bond or undertaking.....[3.00] | *$12* |
| For a copy of any writ, process or other paper, when demanded or required by law, for each page.....[1.00] | *2* |
| For serving every notice, rule or order.....[6.00] | *12* |
| For serving a subpena, for each witness summoned.....[6.00] | *12* |
| For traveling, per mile in serving subpenas, or a venire, in going only, for each mile.....[1.00] | *1* |
| When two or more witnesses or jurors live in the same direction, traveling fees must be charged only for the most distant. | |

For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, together with traveling fees, as in cases of summons.....[6.00] *12*

For making and posting notices and advertising for sale, on execution or any judgment or order of sale, not to include the cost of publication in a newspaper....[$4.00] *12*

For issuing each certificate of sale of property on execution or order of sale, and for filing a duplicate thereof with the county recorder, which must be collected from the party receiving the certificate.....[5.00] *5*

For drawing and executing every sheriff's deed, to be paid by the grantee, who shall in addition pay for the acknowledgment thereof.....[10.00] *10*

For serving a writ of possession or restitution, putting any person into possession entitled thereto.....[10.00] *15*

For traveling in the service of any process, not otherwise provided in this section, for each mile necessarily traveled, for going only, for each mile.....[1.00] *1*

For mailing a notice of a writ of execution.....[1.00] *1*

The sheriff may charge and collect $1 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed.....[$16.] *$20.*

2. The sheriff may also charge and collect:

(a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first $500, 4 percent; on any sum in excess of $500, and not exceeding $1,000, 2 percent; on all sums above that amount, 1 percent.

(b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first $500, [1 percent; on all over that sum, one-half of 1 percent.] *2 percent.*

(c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.

(d) For all services in justices' courts, the same fees as are allowed in subsection 1 and paragraphs (a), (b) and (c) of this subsection.

3. The sheriff is also entitled to further compensation for his trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.

4. In service of a subpena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.

5. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.

6. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his county on or before the 5th working day of the month next succeeding the month in which the fees are collected.''.

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:

''*For attempting to locate a defendant on behalf of a plaintiff to serve a summons or other mense or final process..... 30*''.

Amend section 1, page 1, by deleting lines 26 through 28 and inserting:

''*For serving one notice required by law before the commencement of a proceeding for any type of eviction..... 15*

*For serving not fewer than 2 nor more than 10 such notices to the same location, each notice..... 12*

*For serving not fewer than 11 nor more than 24 such notices to the same location, each notice..... 10*

*For serving 25 or more such notices to the same location, each notice..... 9*

*For mileage in serving such a notice, for each mile necessarily and actually traveled in going only..... 1*

*But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.*''.

Amend the title of the bill to read as follows:

''An Act relating to civil actions; revising the provisions governing the fees charged by a sheriff or constable; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Revises provisions governing fees charged by sheriffs and constables. (BDR 20-425)''.

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

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

Amendment No. 181.

Amend section 1, page 1, line 2, after ''281.145'' by inserting ''*1.*''.

Amend section 1, page 1, by deleting line 3 and inserting: ''thereof [, or of a political subdivision or an agency of a political subdivision,]''.

Amend section 1, page 1, by deleting line 10 and inserting: ''absence may be a part of [the employee's] *his* annual vacation provided for by law.

2. *Any public officer or employee of a political subdivision of this state or an agency of a political subdivision who is an active member of the United States Army Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Air Force Reserve, or the Nevada National Guard must be relieved from his duties, upon his request, to serve under orders without loss of his regular compensation for a period of not more than 15 working days in any 1 calendar year. No such absence may be a part of his annual vacation provided for by law.*".

Amend the title of the bill, first line, after "leave for" by inserting "certain".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 370.

Bill read second time.

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

Amendment No. 215.

Amend section 1, page 1, line 19, after the semicolon by inserting "*and*".

Amend section 1, page 1, by deleting lines 20 through 22 and inserting:

"*(c)* The director, at least [10] *20* working days before [the effective date of] *acting upon* the proposed change:

(1) [Mails] *Provides* written notice of the proposal to *all departments and to* any".

Amend section 1, page 2, lines 2 and 3 by deleting: "personnel; and [(c)" and inserting: "personnel . [; and

(c)".

Amend section 1, page 2, by deleting lines 5 through 8.

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 394.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 41.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Pettyjohn moved that Assembly Bill No. 82 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Pettyjohn.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 140, 222, 260, 380, 435; Senate Bills Nos. 34, 236, 248, 249 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Myrna Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2013), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Myrna Williams.

Roll call on Assemblyman Myrna Williams' motion.

YEAS—40.

NAYS—None.

Absent—Goetting, Marvel—2.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman Myrna Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1980), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Myrna Williams.

Roll call on Assemblyman Myrna Williams' motion.

YEAS—40.

NAYS—None.

Absent—Goetting, Marvel—2.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assembly Concurrent Resolution No. 34.

Resolution read.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 270.

Amend the preamble of the resolution, page 1, by deleting lines 9 and 10 and inserting: "R. McNamee of Caliente, have been followed by 37 others, of whom the current commissioners are Robert R. Barengo, Frank W. Daykin, Lorne J. Malkiewich and two members of the legislature, Senator Ernest E. Adler and Assemblyman".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted and engrossed.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 26, 27, 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 39.

Assemblyman Callister moved the adoption of the resolution.

Remarks by Assemblyman Callister.

Resolution adopted.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:32 a.m.

## ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Bill No. 190 be placed on the Second Reading File.

Remarks by Assemblyman Myrna Williams.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 53.

The following Senate amendment was read:

Amendment No. 64.

Amend section 1, page 2, line 13, by deleting the period and inserting: "*to carry out his duties as prescribed in chapter 253 of NRS.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 53.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 76, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Wendell Williams, Scherer and Bayley as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 76.

SECOND READING AND AMENDMENT

Assembly Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 297.

Amend sec. 9, page 4, by deleting lines 25 through 35 and inserting:

"4. [The secretary of state shall designate a member of his staff to assist the commission in performing the clerical functions related to the review of statements of financial disclosure pursuant to NRS 281.561, including the keeping of all necessary records related thereto.

5. The commission may, within the limits of legislative appropriation:

(a) Employ such persons as are necessary to carry out any of its duties relating to the administration of its affairs, other than those relating to the review of statements of financial disclosure; and

(b) Maintain such facilities as are required to carry out its functions.] *The commission shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of its duties relating to:*

*(a) The administration of its affairs;*

*(b) The review of statements of financial disclosure; and*

*(c) The investigation of matters under its jurisdiction.*

*5. The commission may, within the limits of legislative appropriation, maintain such facilities as are required to carry out its functions.*".

Amend sec. 12, page 6, by deleting lines 21 through 32 and inserting:

"2. A member of the legislative branch, or a member of the executive branch or public employee whose public service requires less than half of his time, may represent or counsel a private person before an agency in which he does not serve. *Any other member of the executive branch or public employee shall not represent a client for compensation before any state agency of the executive or legislative branch of government.*

*3. Not later than January 10 of each year, any legislator who has, within the preceding year, represented or counseled a private person for compensation before a state agency of the executive branch shall disclose for each such representation or counseling during the previous calendar year:*

*(a) The name of the client;*

*(b) The nature of the representation; and*

*(c) The name of the state agency.*

*The disclosure must be made in writing and filed with the commission.*".

Amend sec. 13, page 6, line 37, after "*member of a*" by inserting "*general*".

Amend sec. 13, page 6, line 38, after "*member of the*" by inserting "*general*".

Amend sec. 13, page 6, after line 47, by inserting: "*It must be presumed that the independence of judgment of a reasonable person would not be materially affected by his pecuniary interest where the resulting benefit or detriment accruing to him is not greater than that accruing to any other member of the general business, profession, occupation or group.*".

Amend sec. 14, page 8, line 11, after the period by inserting: "*The commission shall not issue an opinion nor determine that just and sufficient cause exists to render an opinion without extending him an opportunity to appear before the commission and present evidence and argument.*".

Amend sec. 15, page 9, line 18, by deleting "*or employee*".

Amend sec. 15, page 9, line 23, after "2." by inserting: "*A public employee who willfully violates any provision of NRS 281.481, 281.491 or 281.501 is subject to disciplinary proceedings by his employer and must be referred for such action in accordance to the applicable provisions governing his employment.*

*3.*".

Amend sec. 16, page 9, by deleting lines 29 through 31 and inserting:

"281.561 Every candidate for public *or judicial* office and every public *or judicial* officer shall file with the [secretary of state, for review by the] commission, *and with the officer with whom declarations of candidacy for his respective office are filed,* a statement of financial disclosure, as".

Amend sec. 16, page 9, by deleting line 36 and inserting:

"2. A public *or judicial* officer appointed to fill the unexpired term of an elected public *or judicial*".

Amend sec. 16, page 10, line 1, after "*public*" by inserting "*or judicial*".

Amend sec. 16, page 10, line 5, after "*public*" by inserting "*or judicial*".

Amend sec. 16, page 10, line 11, after "*public*" by inserting "*or judicial*".

Amend sec. 17, page 10, line 16, after "public" by inserting "*or judicial*".

Amend sec. 17, page 10, line 37, after "*public*" by inserting "*or judicial*".

Amend sec. 17, page 10, line 39, by deleting the period and inserting: ", *a person with whom he has a direct business relationship, his parent or grandparent, his sibling or spouse, his child, stepchild or grandchild, or his uncle, aunt, niece or nephew.*".

Amend sec. 17, page 10, line 46, after "public" by inserting "*or judicial*".

Amend sec. 17, page 11, line 6, after "*public*" by inserting "*or judicial*".

Amend sec. 18, page 11, by deleting line 10 and inserting: "must be retained by the *commission,* secretary of state , *county clerk and city clerk* for 6 years after".

Amend sec. 19, page 11, by deleting lines 16 through 27, and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 21, page 11, line 39, by deleting "*Use*" and inserting: "*(c) Designate and reserve a specific amount of*".

Amend sec. 22, page 11, line 47, by deleting "*90*" and inserting "*100*".

Amend sec. 22, page 12, line 5, by deleting "*90*" and inserting "*100*".

Amend sec. 22, page 12, line 13, by deleting "*90*" and inserting "*100*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Myrna Williams moved that upon return from reprint, Assembly Bill No. 190 be placed on the Chief Clerk's desk for a period of 48 hours.

Remarks by Assemblyman Myrna Williams.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 7, 44, 109, 113, 145, 155, 172, 203, 204, 216, 217, 219; Senate Bills Nos. 30, 164, 296; Assembly Concurrent Resolution No. 11; Senate Concurrent Resolution No. 32.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Darryl Carrigan, Allan Ross, Ms. Meta Thompson and students from Yerington Elementary School, Yerington: Joshua Avery, Sandy Baumback, Timothy Beck, Staci Billmeyer, Everado Corona, Kaci Frade, Matthew Halliday, Shane Joyner, Robin Martinez, Ruby Paine, Joshua Post, Daniel Provencio, Joe Pursel, Margarita Rodriguez, Ricky Saldana, Amanda Sam, Robyn Sanford, Audrey Snyder, Eric Sorensen, Stephanie Swafford, Charlotte Thompson, Laura Tracy, Tad Williams, Michael Winn, Christopher Worthington, Valerie Abilla, Joshua Dini, Emmuel Emm, Janelle Galvin, Adam Gibbs, Melanie Grantham, Anna Gutierrez, Sarah Kilby, Jason Knight, Lisa Martinez, Kristie Menesini, Robert Millard, William Norris, Cheryl Park, Brianna Parrott, Evan Pellegrini, Jon Potter, Rigoberto Rodriguez, Christina Ross, Eugene Scott, Cariann Smith, Tye Stromer, Candice Walker and Justin Wilkison.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Micheline Nadeau.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 3, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 3, 1991

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

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Chester Richardson.

Most gracious God, we come this morning in the most humble way we know how. We ask a blessing upon all who are assembled here today. Thank You, Lord, for another day to fulfill the mission that each and every one of us have been given. We pray for understanding and wisdom in all that we do. We beseech You that unity and humanity will be our forethought today. With You, O God, all things are possible. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Bill No. 101; Senate Joint Resolution No. 3 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 2, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 8, 55, 93, 174, 272, 273.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 259, 264.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 34.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblyman Sader.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 13.

Resolution read.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 246.

Amend the resolution, page 1, by deleting lines 15 through 20 and inserting: "CURRING, That the Supreme Court of Nevada is hereby urged to expand the Supreme Court Rules governing the legal profession to require a lawyer to discuss with his clients the methods of resolving disputes which are available alternatives to litigation; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Secretary of the Senate to the Chief Justice of the Supreme Court.".

Amend the title of the resolution, first and second lines, by deleting: "State Bar of Nevada to encourage its members" and inserting: "Supreme Court of Nevada to require lawyers".

Amend the summary of the resolution, first line, by deleting: "State Bar of Nevada to encourage its members" and inserting: "Supreme Court of Nevada to require lawyers".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted and re-engrossed.

Senate Concurrent Resolution No. 20.

Assemblyman Johnson moved the adoption of the resolution.

Remarks by Assemblyman Johnson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini and Myrna Williams:

Assembly Bill No. 486—An Act relating to state welfare administration; providing in skeleton form for changes in the procedures for the enforcement of the legal rights of recipients of assistance to the medically indigent; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Heller, McGinness, Humke, Pettyjohn, Stout, Callister, Arberry, Spitler, Giunchigliani, Marvel, Bergevin, Hardy, Little, Elliott and Dini:

Assembly Bill No. 487—An Act relating to justices' courts; increasing the fees for marriages performed by justices of the peace; and providing other matters properly relating thereto.

Assemblyman Heller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 259.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 264.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblymen Lambert and Scherer.

Roll call on Assembly Bill No. 100:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 140:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 222.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 222:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Freeman and Goetting as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Barbara Vucanovich.

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

Assembly in recess at 10:53 a.m.

ASSEMBLY IN SESSION

At 10:58 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:01 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Carpenter.

The President of the Senate welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Raggio and Assemblyman Lambert to wait upon Representative Barbara Vucanovich and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Barbara Vucanovich, United States Representative from Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The President of the Senate welcomed Representative Vucanovich and invited her to deliver her message.

Representative Vucanovich delivered her message as follows:

## MESSAGE TO THE LEGISLATURE OF NEVADA SIXTY-SIXTH SESSION, 1991

*Madam President, Mr. Speaker, members of the Nevada Legislature, members of the Judiciary, honored guests and fellow Nevadans:*

I thank you very much for that warm welcome.

As most of you know, this is the fifth opportunity that I have had to address the Nevada Legislature, and it is always good to see so many familiar faces, as well as so many new ones. Those of us who place our records before the voters every two or four years don't necessarily appreciate the value of change. But there is something to be said for the fresh voices and new perspectives the newly elected bring to the Chambers of Congress, as well as these Chambers here in Carson City. That doesn't mean that I don't miss some of my Republican friends who were here to greet me two years ago, but I know they would be among the first to tell us that there is life after the legislature. Let's just hope that those of us who are here this morning don't have to enjoy the political afterlife too soon. I'm not looking forward to that.

One of the really refreshing things about coming to Carson City though is that Nevada is one of the few states where the words "citizen legislator" still has real meaning. As a Nevadan and as someone who has learned from over eight years in Congress, I urge you not to lose touch with the people who elected you. In Carson City and in Washington our job is to represent Nevadans, to cast votes which are in their best interest, and to listen to them and to speak for them. Nevadans believe in the value of being able to see, hear and touch the people they elect. That's their right, and as we all know, Nevadans are very protective of their rights.

Nevadans are proud, and it is this pride that has seen Nevada through our most recent troubling times, and I'm talking about the war in the Persian Gulf. I understand the other three members of our Congressional Delegation have talked about the Persian Gulf. All of us who have been back in Washington have been rather involved with that whole issue. The last few months have been the most emotional since Nevadans first sent me to Washington in 1982. The war in the Gulf has, of course, captured the attention of every American. It has brought us closer as a nation and as individuals as we shared the President's determination. After Saddam Hussein invaded Kuwait and after the President responded so decisively and successfully, there was a great deal of debate in Congress. It was a very emotional, soul searching debate. An overwhelming majority of us supported the President's moves as being right and proper. The President was right; the majority of my colleagues in Congress were right; and the American people who gave overwhelming support to the war effort were right. As I am sure all of you know, our entire delegation stood foursquare behind the President, behind this state and behind this country when it counted the most. It took more than a little political courage for Nevada Democrats in Washington to vote with the President, and I salute them for it. And, of course, the people who benefited the most by the support the President received were the men and women who served in the Persian Gulf. For months on end, our thoughts, our hearts and our prayers were with the thousands of American men and women in the Persian Gulf including hundreds of Nevadans. I don't think anyone in Washington stayed away from CNN for very long.

A member of my staff in Washington has a young cousin still stationed in the Gulf, and right now he is on detail in Kuwait City. I would like to share with you a few thoughts he wrote to her on February 25, the day before the end of the war. He said, and I quote, "In the heat of combat, material rewards lose their splendor, and you concentrate on what really matters, my faith in the Lord, my family and my country that I have sworn to defend. You, as an American, should be proud, proud of the way you and the rest of the country united in your support for us, and it is your effort that helped get me through this. When I read letters from back home, it puts into focus the purpose of my being here. I am here to preserve peace for you and the rest of the family, and it makes me proud to do it. And you should feel good about that, so please tell your boss to tell her constituents that they can feel proud to be Americans."

I think some of you know I come from a military family. Two of my brothers were West Point graduates. My dad had a very distinguished military career spanning over four

decades. My grandfather, also a career officer and a doctor, was in the Medical Corp. One of my sons volunteered for two tours in Vietnam as a Green Beret. In addition to graduating from West Point, both of my brothers served our country in active tours of duty, one served two years in Vietnam, and my other brother gave his life at Anzio during World War II. I remember the day my mother was notified of my brother's sacrifice, and it is a day that is permanently etched in my memory. With this in mind, when I was asked to consider whether this country should commit military forces, should commit its young men and women to a war halfway around the world, I remembered the risks we take and the price we pay as a nation and as families. And I still say, unequivocally, yes, we were right. Nevada sent hundreds of her bravest and best young men and women to the war in the Persian Gulf, including over 130 men and women from the 152nd Tactical Reconnaissance group from Reno, the Marine's 41st Reconnaisance Recovery Company from Reno, the 257th Army Transport Company from Las Vegas, the Nevada Air National Guard, the 72nd Military Police Company of the Army Guard from Fallon, and the eight Navy Reserve Units from around the state who provided operational and medical support. And there were others as well. That roster, of course, includes our own State Assemblyman, Jim Gibbons, who served so bravely. Special thanks go to his wife, Dawn, who has given her unqualified support to not only Jim, but to the entire state by filling Jim's seat during his absence.

If my facts are correct, every single Nevadan who went to war in the Persian Gulf will be coming home, safe and sound and very proud, as well they should be. I think there's another thing we really need to remember, and that is, America was not alone in the battle against Hussein. There were hundreds and thousands of soldiers from more than two dozen other countries around the world who teamed up to fight Saddam Hussein. I'm sure you all share my pride as a Nevadan and as an American in seeing the continued strong support for our troops still deployed in the Persian Gulf. They had a tough job to do, and I am sure it helped to know that we were behind them all the way. The mission of the troops in Saudi Arabia was a clear one. They were there to free Kuwait from the strangling clutches of a cruel and dangerous dictator. They were there to prevent Saddam Hussein from continuing his satanical crusade of murder, rape and pillage throughout the Middle East. We share the nation's pride as well as we watch the heroes' welcome given to the troops who fought so bravely as they return home. The sight of wives and husbands and children reunited at airports around the country, embracing after many long months of uncertainty, is not one we will soon forget. John Wayne captured the spirit of America when he said, "Just give the American people a good cause and there is nothing they can't lick."

Today there are hundreds more Nevadans who have experienced firsthand the courage and heroism that go hand in hand in wartime. They feel the national appreciation for this country, founded on freedom, built on freedom, and today the most freedom-blessed society on earth.

Well, closer to home consider the Nevada Air National Guard, Reserves, men and women who have jobs and house payments and families and hobbies just like the rest of us. But for reasons perhaps only they can explain, they have a somewhat higher standard of duty, allegiance and honor. They volunteered to leave their loved ones behind, to fly halfway around the world, to fight for something they believed in. They are why we fought in Kuwait and Iraq, and they are why we won in Kuwait and Iraq. They are also why we must now focus our attention on ensuring a stable and prosperous future here in the United States. We have a long road in front of us, but the mood is as upbeat as I have seen in the last decade. Of course, we as a nation are facing many uncertainties, but there is hope that the postwar euphoria that we are all enjoying will give us some measure of momentum toward solving the problems we face. Our young men and women returning from the Gulf and all Americans deserve from us, their legislators, the same commitment and dedication that they showed their country over the last several months.

Now, more to the point, I would like to share briefly with you my personal agenda for the current session of Congress. There are a number of issues that my office will be working on this year, and I am sure you have seen from various reports, many are already heating up. As you well know, Senator Reid and all of the Congressional Delegation were

successful last year in securing passage of the Truckee River negotiated settlement bill. It is the first truly meaningful tool for managing the waters of western Nevada. There is still a great deal to be done before the negotiated settlement is complete, but the legislation we passed provided a working document which will enable progress to continue. Now I know that not everyone supported every detail of this bill. Shortly after the bill passed last fall, I went to Fallon for a meeting designed expressly to discuss this legislation. As you might expect, there were an enormous number of questions and some very apparent concerns about whether the negotiated settlement would ruin agriculture in western Nevada. I feel sure it will not, but as legislators, we all need to be aware of proposals in Washington which could severely impact agriculture in the west, including the Newlands Project.

Here in Nevada, water is a precious commodity, and it is becoming more and more valuable as more and more people find out how great western living can be. Because of that, people in Washington, including a California congressman by the name of George Miller, would like to do something about who uses water, how much they use, and how much they pay for it. Because George Miller is the Chairman of the Interior Committee and in the majority party with the majority of votes, what he wants to do he has a pretty good chance of doing. I am sure all of you here can relate to that scenario. George Miller and some of his colleagues would like to see a complete overhaul of western water projects. They would like to throw out the Bureau of Reclamation and start all over. Doing so could be very expensive for farmers. Their actions will have an enormous impact throughout the west, and my role as your Congressman will be to make sure that we are properly positioned to fight for our interests. Water issues are vital to us here in the west, particularly in the smaller states. Unfortunately, Congress is dominated by people elected from the east and from major population centers where the availability of water is not an issue, and they will make the fight a tough one for all of us.

For similar reasons we will have a fight on our hands over the Administration's proposal to change the formula which spells out how highway funds are allocated. In the past, funding has been based on total highway miles. In a state like Nevada with over 5,400 miles of highway being maintained on a cost-sharing basis with the federal government, that formula has helped us. Now it is being proposed that highway dollars be allocated based on population. In a state where we are already behind in highway construction and maintenance, such a change could be deadly when measured in highway improvements and highway safety.

As a new member of the Appropriations Committee, I will be doing everything I can to minimize the impact of any change in highway funding allocations. This change is simply not fair, and together with representatives from other western states, we have let the President know what we think about it. We will have to keep him in touch.

In another issue area, in the next few months, subcommittee hearings will be held throughout the west on proposed changes in federal mining laws. Many of these changes would not be helpful to Nevada. For instance, suggested change in the fee structure could hurt Nevada's small miners and could discourage exploration in our state. As one of the world's richest mineral states, we want to do everything we can to help an industry which makes a significant economic contribution to our well-being. We don't want to unreasonably limit the mining industry's ability to do its job and to help our state. As a ranking minority member of the Interior Committee's Mining Subcommittee, I will be watching any mining law changes very carefully.

There is another area in the legislative process I would like to touch on. In 1989 I introduced legislation eliminating the so-called source income tax, and I have introduced two separate versions of the bill again this year. One version is identical to the 1989 bill which remains stalled in the Judiciary Committee—never can make it to the floor—and because I see no chance of the bill making it out of committee this session, I introduced a separate bill which has been referred to the Ways and Means Committee, very simply a source tax applied to someone who retires and moves to Nevada. Many retirees are living on a pension, but suddenly they find that their pensions are being taxed by the state in which they previously lived. My bill, currently in the Judiciary Committee, would prohibit any state from imposing a source income tax on the pension income of individuals who are not residents of that state. This bill, the one that is before the Ways and Means

Committee, is a bit different. While it doesn't place an absolute ban on pension taxation, it forces states with source income taxes to provide taxpayers advance notice of such a tax, imposes a formula that does not include income from other states as is current practice, and gives retirees a chance to pay the tax before leaving the state. As it exists today, many of the older residents of our state are the victims of taxation without representation. They should not be threatened by the greed of a state they moved away from in the first place. I applaud you here in the state legislature for taking steps to help alleviate some of the burdens on Nevada's retirees hit by these unfair taxes. By telling the state courts to ignore out-of-state court orders to have senior citizens turn over property to pay for back income taxes owed to their former residence, you have helped save thousands of retirees, literally, from destitution; and this passed in the last legislature. Being forced to give up their properties in Nevada to another state is outrageous. While I work in Washington to get this tax eliminated, I greatly appreciate your protection of Nevada residents in the meantime.

On another subject, during the next two years the Nevada Congressional Delegation will be continuing to fight efforts to circumvent the permitting process regulating Yucca Mountain. Our message is simple. Nevada has rights and the federal government should play fair. We don't want the nuclear waste dump shoved down our throat. Just two short weeks ago, the entire Nevada Congressional Delegation joined with Governor Miller, Senate Majority Leader John Vergiels and Assembly Speaker Joe Dini to tell the United States Senate that we did not want a nuclear waste repository at Yucca Mountain shoved down our throat and that we will do everything in our power to see that ground is never broken on this project. This is not a partisan issue; we all stand firm as Nevadans and we will show them we can play hard ball just as well as they can. We will not be passed over and we will not be "steamrollered" into housing the country's waste. The federal government is trying to bypass our rights under federal and state laws on air and water quality permits and licensing procedures. We will not stand for it.

Of course there are a number of other issues as well. I will continue to promote expanded breast cancer detection benefits for those on Medicare and Medicaid. Again, during the last session, you here in Nevada helped accomplish something that I couldn't tackle from a federal standpoint. Mandated insurance coverage of baseline mammography services for women between the ages of 35 and 40 and annual screenings for women 40 and older. Following your lead, 29 other state legislatures have implemented similar legislation.

We are also fighting against unreasonable changes in the Bureau of Land Management's grazing fees. In fact, I will be holding a hearing tomorrow in Reno on the effects the change in the grazing fee formula will have, not only on ranchers, but on businesses throughout the state. We were successful earlier this month in getting several local ranchers to Washington to talk with members of the Interior Committee. I hope they were listening, but if they weren't I'll continue to urge Nevadans to speak up and let the East Coast know that the West is here and we will not sit still as they try to change policies that do not directly affect them. There is nothing wrong with the current grazing formula. It works, so why try to change it. That's the message we've been trying to sell.

So in closing, one thing I say that we all need to remember is that we are all in this together. Our job is to ensure a higher quality of living in Nevada and show its residents, our constituents, a better way of life. We need to continue to work with each other to make Nevada's voice heard. We're a strong state growing stronger each and every day. We have a strong state legislature in tune with the state's problems. I think we have a good Congressional Delegation that will take your concerns, Nevada's concerns, to Washington. Let's not have partisan differences stand in our way. Let's show Nevada pride and determination. I think Nevada has a very bright future. I look forward to working with all of you to ensure that future. Thank you very much for the opportunity to come and speak to you. Thank you.

Senator Tyler moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Vucanovich for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Gibbons moved that the Joint Session be dissolved.
Motion carried.

Joint Session dissolved at 11:27 a.m.

## ASSEMBLY IN SESSION

At 11:31 a.m.
Mr. Speaker presiding.
Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 488—An Act relating to state property; revising the description of the legislative grounds; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.
Motion carried.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 237.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 237:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 260.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Assembly Bill No. 260:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 380.
Bill read third time.
Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 380:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Pettyjohn moved that Assembly Bill No. 82 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Pettyjohn.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 394:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Assembly Bill No. 435:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblymen Spriggs, Elliott, Pettyjohn and Bergevin.

Roll call on Assembly Bill No. 82:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 34:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 41.
Bill read third time.
Remarks by Assemblyman Bache.
Conflict of interest declared by Assemblyman Spitler.
Roll call on Senate Bill No. 41:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 236.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Senate Bill No. 236:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 248.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Senate Bill No. 248:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 249.
Bill read third time.
Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 249:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 374.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 374.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Scherer.

Roll call on Senate Bill No. 374:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 374 be immediately transmitted to the Senate.

Motion carried unanimously.

## SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 228.

Amend section 1, page 1, line 13, by deleting "*5*" and inserting "*40*".

Amend section 1, page 1, line 15, by deleting "*and*".

Amend section 1, page 1, line 16, by deleting the period and inserting an italicized semicolon.

Amend section 1, page 1, between lines 16 and 17, by inserting:

"*(g) Whether there are any heirs or next of kin known to the affiant, and if known, the name and address of each such person;*

*(h) If heirs or next of kin are known to the affiant, a description of the method of service he used to provide to each of them notice of the affidavit and that at least 10 days have elapsed since the notice was provided;*

*(i) That all debts of the decedent, including funeral and burial expenses, have been paid or provided for; and*

*(j) The name of each person to whom the affiant intends to distribute the decedent's property.*

*3. Before filing the affidavit with the court, the public administrator shall take reasonable steps to ascertain whether any of the decedent's heirs or next of kin exist. If the administrator determines that heirs or next of kin exist, he shall serve each of them with a copy of the affidavit. Service must be made personally or by certified mail.*

*4. If the affiant:*

*(a) Submits an affidavit which does not meet the requirements of subsection 2 or which contains statements which are not entirely true, any money or property he receives or distributes is subject to all debts of the decedent, based on the priority for payment of debts and charges specified in NRS 150.220.*

*(b) Fails to give notice to heirs or next of kin as required by subsection 3, any money or property he holds or distributes to others shall be deemed to be held in trust for those heirs and next of kin who did not receive notice and have an interest in the property.*

*5. A person who receives an affidavit containing the information required by subsection 2 is entitled to rely upon such information, and if he relies in good faith, he is immune from civil liability for actions based on that reliance.*

*6. Upon receiving proof of the death of the decedent, an affidavit containing the information required by this section and the written approval of the public administrator to do so:*

*(a) A transfer agent of any security shall change the registered ownership of the security claimed from the decedent to the person claiming to succeed to ownership of that security.*

*(b) A governmental agency required to issue certificates of ownership or registration to personal property shall issue a new certificate of ownership or registration to the person claiming to succeed to ownership of the property.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 163.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

*"1. An educational institution may operate on the highways of this state an unregistered motor vehicle otherwise required to be registered pursuant to this chapter if there is displayed on the vehicle a special license plate assigned to the educational institution pursuant to subsection 2. Such operation is strictly limited to movement of the vehicle:*

*(a) From one educational institution to another educational institution;*

*(b) From the educational institution to an established place of business which specializes in particular automotive repairs; and*

*(c) Which is necessary to test the vehicle under practical operating conditions on the road.*

*2. Upon application by an educational institution, submission of such evidence of qualification as is determined necessary by the director and payment of the applicable fee, the department shall assign to the educational institution one or more sets of special license plates for use on educational vehicles. The department shall charge and collect a fee of $5 for each set of special license plates issued pursuant to this section. The plates are valid for 1 year. The fee for renewal is $5.*

*3. Any unauthorized use of special license plates issued pursuant to this section is cause for the department to revoke all sets of such plates issued to the educational institution. Unauthorized use of the plates includes:*

*(a) Display on a vehicle which is not an educational vehicle; and*

*(b) Movement of an educational vehicle in any manner not authorized in subsection 1.*

*4. Each special plate issued pursuant to this section must have displayed upon it suitable characters, as determined by the department, to identify the vehicle as an educational vehicle. The special plates may be used interchangeably on educational vehicles by the educational institution to which the plates were issued.*

*5. As used in this section:*

*(a) "Educational institution" means:*

*(1) A public school as that term is defined in NRS 385.007; or*

*(2) A college or university within the University of Nevada System, which offers a course of instruction in automotive repair and owns or controls an educational vehicle.*

*(b) "Educational vehicle" means any motor vehicle which is owned or controlled by an educational institution and used exclusively for the purposes of a course of instruction in automotive repair. The term does not include any motor vehicle:*

*(1) Used by the educational institution for any purpose not directly related to a course of instruction in automotive repair.*

*(2) Owned by a pupil, student or employee of the educational institution.".*

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; authorizing the issuance of special license plates for vehicles used by certain educational institutions in courses of instruction in automotive repair; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes issuance of special license plates for certain motor vehicles used in courses of instruction in automotive repair. (BDR 43-610)".

Assemblyman Elliott moved the adoption of the amendment.

Remarks by Assemblyman Elliott.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 233.

Amend section 1, page 1, by deleting lines 2 through 16 and inserting:

"484.337 1. [The driver of a vehicle shall not make a U-turn upon any highway in a business district except on a divided highway where an opening has been provided in accordance with NRS 484.309.

2. The driver of a vehicle shall not make a U-turn at any intersection controlled by an official traffic-control device.

3. The provisions of subsections 1 and 2 shall not apply where such U-turn is permitted by an official traffic-control device.

4. A U-turn may be made on any road where such turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484.309 and 484.339.

5.] *A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484.309 and 484.339.*

*2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.*

*3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.*

*4.* Notwithstanding the foregoing provisions of this section, local authorities *and the department of transportation* may prohibit U-turns [in residential districts within their jurisdiction or".

Amend the title of the bill, first line, by deleting "permitting" and inserting: "clarifying statutory authorization to make".

Assemblyman Elliott moved the adoption of the amendment.

Remarks by Assemblyman Elliott.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 261.

Amend section 1, page 1, by deleting lines 16 and 17, and inserting: "[Bulk transfers subject to the article on bulk transfers. NRS 104.6102.]".

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

Amend the bill as a whole by deleting sections 3 and 4 and inserting:

"Secs. 3 and 4. (Deleted by amendment.)".

Amend sec. 5, page 7, by deleting lines 41 and 42 and inserting: "erned by the articles on secured transactions (article 9) [, bulk transfers (article 6)] and documents of title (article 7).".

Amend the bill as a whole by deleting sections 6 through 97 and inserting:

"Secs. 6-97. (Deleted by amendment.)".

Amend sec. 98, page 65, line 31, by deleting the open bracket.

Amend sec. 98, page 66, by deleting lines 16 and 17 and inserting: "of such remittance check or obligation; [or]

(c) *With respect to tender of settlement by a funds transfer, when payment is made pursuant to subsection 1 of section 174 of this act, to the person receiving settlement; or*

*(d)* If in a case not covered by [paragraphs (a) or (b)] *paragraph (a), (b) or (c)* the person receiving".

Amend sec. 98, pages 66 and 67, by deleting lines 20 through 46 on page 66 and lines 1 through 4 on page 67 and inserting: "midnight deadline, at such midnight deadline.".

Amend the bill as a whole by deleting sections 99 through 121 and inserting:

"Secs. 99-121. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 137.5, following sec. 137, to read as follows:

"Sec. 137.5. NRS 104A.2524 is hereby amended to read as follows:

104A.2524 1. [A lessor aggrieved under subsection 1 of NRS 104A.2523] *After default by the lessee under the lease contract of the type described in subsection 1 or paragraph (a) of subsection 3 of NRS 104.2523 or, if agreed, after other default by the lessee, the lessor* may:

(a) Identify to the lease contract conforming goods not already identified if at the time the lessor learned of the default they were in the lessor's or the supplier's possession or control; and

(b) Dispose of goods (subsection 1 of NRS 104A.2527) that demonstrably have been intended for the particular lease contract even though those goods are unfinished.

2. If the goods are unfinished, in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization, an aggrieved lessor or the supplier may either complete manufacture and wholly identify the goods to the lease contract or cease manufacture and lease, sell or otherwise dispose of the goods for scrap or salvage value or proceed in any other reasonable manner.".

Amend sec. 141, page 107, by deleting lines 10 through 13 and inserting:

"5. After [a lessee has wrongfully rejected or revoked acceptance of goods, has failed to pay rent then due, or has repudiated (NRS 104A.2402),] *default by the lessee under the lease contract of the type described in subsection 1 or paragraph (a) of subsection 3 or NRS 104.2523 or, if agreed, after other default by the lessee,* a lessor who is held not entitled to rent under this section must nevertheless be awarded damages for nonacceptance under NRS 104A.2527 [and] *or* 104A.2528.".

Amend sec. 182, page 126, by deleting lines 24 through 28 and inserting:

"Sec. 182. (Deleted by amendment.)".

Amend sec. 183, page 126, by deleting lines 29 through 31 and inserting:

"Sec. 183. NRS 104.6101, 104.6102, 104.6103, 104.6104, 104.6105, 104.6107, 104.6108, 104.6109, 104.6110, 104.6111 and 104.9111 are".

Amend sec. 184, page 126, by deleting lines 35 and 36 and inserting: "reprint of NRS shall number the sections of chapter 104A of NRS which are added by this act, in conformity with".

Amend sec. 185, page 126, line 42, by deleting "3" and inserting "5, 122".

Amend the leadlines of repealed sections to conform with the amendment to sec. 183.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 234.

Amend section 1, page 1, by deleting lines 15 through 18 and inserting:

"2. *A citation may be issued to any driver of a tow car who violates any provision of paragraph (a) of subsection 1. The peace officer who issues the citation shall report the violation to the Nevada highway patrol or the sheriff of the county or the chief of police of the city in which the roadway is located. If necessary, the Nevada highway patrol,*".

Amend section 1, page 2, line 1, after "*therefor, the*" by inserting: "*Nevada highway patrol,*".

Amend section 1, page 2, line 2, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 2, by deleting lines 6 through 32 and inserting: "*The commission may impose an administrative fine pursuant to subsection 2 of NRS 706.771 on the owner or operator of a tow car who fails to pay in a timely manner any charge required to be paid by subsection 2 of NRS 484.631.*".

Amend the title of the bill, first line, after "requiring" by inserting: ", under certain circumstances,".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 269.

Amend the bill as a whole by deleting sections 1 through 30 and renumbering sec. 31 as section 1.

Amend the bill as a whole by deleting sections 32 through 52 and adding a new section designated sec. 2, following sec. 31, to read as follows:

"Sec. 2. Section 22 of Assembly Bill No. 227 of this session is hereby amended to read as follows:

Sec. 22. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"An Act relating to court-appointed counsel; revising the fees paid to certain attorneys appointed to represent criminal defendants; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises fees for certain court-appointed attorneys in criminal proceedings. (BDR 14-429)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 301 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

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

"Sec. 2. NRS 178.415 is hereby amended to read as follows:

178.415 1. [The] *Except as otherwise provided in this subsection, the* court shall appoint two physicians, at least one of whom is a psychiatrist or otherwise especially qualified, to examine the defendant. *If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the division of mental hygiene and mental retardation of the department of human resources, to examine the defendant.*

2. At a hearing in open court, the judge shall receive the report of the [examining physicians] *examination* and shall permit counsel for both sides to examine [them. The state] *the person or persons appointed to examine the defendant. The prosecuting attorney* and the defendant may introduce other evidence and cross-examine one another's witnesses.

3. The court shall then make and enter its finding of competence or incompetence.".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 7 through 10 and adding new sections designated sections 4 through 6, following sec. 2, to read as follows:

"Sec. 4. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and that he is dangerous to himself or to society or that commitment is required for a determination of his ability to attain competence, the judge shall order the sheriff to convey him forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the administrator of the mental hygiene and mental retardation division of the department of human resources for detention and treatment at a secure facility operated by the mental hygiene and mental retardation division.

2. The defendant must be held in such custody until a court orders his release or until he is returned for trial or judgment as provided in NRS 178.450 to 178.465, inclusive.

3. If the court finds the defendant incompetent but not dangerous to himself or to society, and finds that commitment is not required for a determination of the defendant's ability to attain competence, the judge shall order the defendant to report to the administrator as an outpatient for treatment, if it might be beneficial, and for a determination of his ability to attain competence. The court may require the defendant to give bail for his periodic appearances before the administrator.

4. Except as *otherwise* provided in subsection 5, proceedings against the defendant must be suspended until the sanity commission *or, if the defendant is charged with a misdemeanor, the judge* finds him capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 3 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period , [of time,]

equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

Sec. 5. NRS 178.435 is hereby amended to read as follows:

178.435 The expenses of the examination and of the [sending] *transportation* of the defendant to and from the custody of the administrator of the mental hygiene and mental retardation division *of the department of human resources* are in the first instance chargeable to the county *or city* from which he has been sent. But the county *or city* may recover the money from the estate of the defendant, from a relative legally bound to care for him or from the county *or city* of which he is a resident.

Sec. 6. NRS 178.440 is hereby amended to read as follows:

178.440 The clerk of the [district] court before which an examination [shall have] *has* been conducted shall certify the costs to the board of county commissioners [.] *or governing body of the city, as appropriate.*".

Amend sec. 3, page 1, by deleting lines 12 through 27 and inserting:

"178.450 1. The administrator of the mental hygiene and mental retardation division *of the department of human resources* shall keep each defendant committed to his custody under NRS 178.425 or 178.460 under observation and shall have each defendant who has been ordered to report to him as an outpatient under those sections evaluated periodically.

2. [Within 6 months after the order for commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 3 of NRS 178.460, and at 6-month intervals thereafter until release or return for trial or judgment, the] *The* administrator shall notify in writing a judge of the [district] court which committed the person and the [district] *prosecuting* attorney of the county *or city* to which the person may be returned for further court action whether [or not] in his opinion, upon medical consultation, the defendant is of sufficient mentality to be able to understand the nature of the criminal charge against him and, by reason thereof, is able to aid and assist his counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter . [, and if he is not, whether or not:] *The administrator shall submit such a notification, in the case of a person charged or convicted of a misdemeanor, within 3 months after the order for commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 3 of NRS 178.460, and at monthly intervals thereafter. In all other cases, the initial notification must be submitted within 6 months after the order and at 6-month intervals thereafter. If the administrator's opinion about the defendant is that he is not of sufficient mentality to understand the nature of the charge against him and assist in his own defense, the administrator shall also include in the notice his opinion whether:*".

Amend sec. 3, page 2, line 5, by deleting "and" and inserting: "[and] , *but*".

Amend sec. 3, page 2, line 6, after "county" by inserting "*or city*".

Amend sec. 4, page 2, line 17, after "shall," by inserting: "*except as otherwise provided in subsection 4,*".

Amend sec. 4, page 2, between lines 43 and 44, by inserting:

"*4. In the case of a person charged or convicted of a misdemeanor, the judge shall, upon receipt of such a notice from the administrator:*

*(a) Send a copy of the administrator's notice to the prosecuting attorney and to the defendant's counsel;*

*(b) Without the assistance of a sanity commission, hold a hearing, if one is requested within 10 days after the notice is sent pursuant to paragraph (a), at which the attorneys may examine the administrator on his determination; and*

*(c) Within 10 days after the hearing, if any, or 20 days after the notice is sent if no hearing is requested, enter his finding of competence or incompetence in the manner set forth in subsection 3 of NRS 178.460.*".

Amend sec. 5, page 3, by deleting lines 12 through 19 and inserting:

"(a) Competent, he shall within 10 days forward his finding to the [district] *prosecuting* attorney and counsel for the defendant. Upon receipt thereof, the [district] *prosecuting* attorney shall notify the sheriff of the county *or chief of police of the city* that the defendant has been found competent and arrange for the return of the defendant to that county *or city* for trial upon the offense there charged or the pronouncement of judgment, as the case may be. The defendant must not be returned more than 30 days before the date set for the trial or pronouncement of judgment which must be within 60 days of the receipt of the findings of the sanity commission [.] *, or if the case is a misdemeanor, within 60 days after the judge received the notice from the administrator pursuant to subsection 1 of NRS 178.455.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 358 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 236.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 502.040 is hereby amended to read as follows:

502.040 1. The commission shall adopt regulations regarding the number of license agents to be designated in any locality, the standards to be met by license agents, the manner of remitting money to the department, and the manner of accounting for licenses, tags, stamps and permits received,

issued, sold or returned. A license agent's authority may be revoked or suspended by the department for his failure to abide by the regulations of the commission. The agent may appeal to the commission for reinstatement.

2. A license agent designated by the department is responsible for the correct issuance of all licenses, tags, stamps and permits entrusted to him, and, so far as he is able, for ensuring that no licenses are issued upon the false statement of an applicant. Before issuing any license, the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

3. Except as otherwise provided in this subsection, a license agent shall furnish a bond to the department for the proper performance of his duties, executed by the license agent as principal, and by a corporation qualified under the laws of this state as surety, and payable to the State of Nevada in such an amount as is determined by the commission. In lieu of a bond, the license agent may deposit with the department a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon order of the department. Premiums for the bonds must be paid by the license agent, except in remote areas where the agency is established for the convenience of the commission, in which case the premium must be paid from the wildlife account in the state general fund. A license agent may purchase inventory in advance of sales in lieu of furnishing a bond or may provide a cash bond in lieu of paying a premium for a bond.

4. A license agent is responsible to the department for the collection of the correct and required fee, for the safeguarding of the money collected by him, and for the prompt remission to the department for deposit in accordance with NRS 501.356 of all money collected. The department shall furnish to the license agent receipts for all money which he remits to the department. A license agent shall furnish a receipt to the department of all licenses, tags, stamps or permits which he receives from the department.

5. For each license, tag, stamp or permit he sells, a license agent is entitled to receive a service fee of:

(a) Fifty cents for each license, tag or permit, in addition to the fee for the license, tag or permit ; [stated in NRS 502.240 or 502.250;] and

(b) Ten cents for each stamp or similar document issued which does not require completion by the agent.

6. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, tag or permit.

7. All money collected by a license agent, except service fees collected pursuant to subsection 5, is public money of the State of Nevada, and the state has a prior claim for the amount of money due it upon all assets of the

agent over all creditors, assignees or other claimants. The use of this money for private or business transactions is a misuse of public funds and punishable under the laws provided.".

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

"*(b) A person who is a student at a military academy operated by the Army, Navy, Air Force or Coast Guard and a bona fide resident of the State of Nevada fishing or hunting licenses, upon payment of $5 for each license.*".

Amend the title of the bill, first line, after "wildlife;" by inserting: "expanding the authority for a license agent to collect a service fee;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Sader.

Amendment adopted.

Assemblyman Freeman moved that Assembly Bill No. 361 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 389.

Bill read second time.

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

Amendment No. 198.

Amend section 1, page 1, by deleting lines 10 through 12 and inserting: "pursuant to section [203(a)(7),] *207, 208* or 212(d)(5) of the Immigration and Nationality Act . [, 8 U.S.C. §§ 1153(a)(7) and 1182(d)(5) respectively.]".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 255.

Amend section 1, page 1, line 15, by deleting "The" and inserting:

"2. [The] *Except as otherwise provided in subsection 3, the*".

Amend section 1, page 1, line 22, by deleting: "*police commissioner or*".

Amend section 1, page 1, after line 22 by inserting:

"*3. In a county whose population is 30,000 or less, the original statement may be filed in the office of the sheriff's deputy for transmission to the sheriff.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 83.

Bill read second time and ordered to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 226.

Amend section 1, page 2, line 14, after the period by inserting: "*The term does not include any procedural error in the acceptance of a credit instrument, as defined in NRS 463.367, by a person who holds a nonrestricted gaming license.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 95.

Bill read second time and ordered to third reading.

Senate Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 223.

Amend sec. 5, page 3, line 8, by deleting "Is" and inserting: "[Is] *Except as otherwise provided in NRS 484.3792 and 484.3795, is*".

Amend sec. 6, page 3, by deleting lines 47 and 48 and inserting: "than $5,000. An offender so imprisoned must , [be segregated] insofar as practicable , *be segregated* from offenders whose crimes were violent [, and must] *and, insofar as practicable,* be assigned".

Amend sec. 7, page 5, line 25, by deleting "*may*" and inserting: ", *insofar as practicable,*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 231.

Bill read second time.

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

Amendment No. 267.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 256.
Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 53, 323, 353; Senate Bill No. 105; Assembly Concurrent Resolution No. 23; Assembly Joint Resolution No. 3.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Linda Depaoli, Ms. Terry Sylvester and the following students from Fernley Middle School, Fernley: Gina Rhyno, Heather Newman, Andrea Burdette, Joanie Reynolds, Nick Chapin, Jennifer Lehman, Heather Burton, Krishane Bungay, Robin Mesna, Cheyenne Conlin, Erik Lambert, Sean Tuter, John Budek, Laura Depaoli, Carlynn Schuster, Zak Nichols, Larry Claussen, Rachel Wootton, Kathi Myers, Kathryn Tanner, Dusti Richins, Justin McIlvein and Melissa Pierson.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Thomas Spurlock and Ryan Spurlock.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Janet Heller.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Connie Carlson, Mr. Sam Hubbard, Ms. Joanne Tanner and the following students from Churchill County Junior High School, Fallon: Calixtra Alipio, Rachel Allen, Brett McGinness, Deron Skinner, Amy Landis, Amy Shipman, Richie Getto, John Mackedon, Paige Sauer, Kelly Applegate, Jamie Richards, Fred Mangosing, Darcie Bendickson, Fred Lopez, Heather Bosley, Heather Boyer, Luke Copeland, Deana Davies, Denise Madole, Amber Koff, Bethany Parr, Jordan Diedrichsen, Jaime Schroeder, Torie Anderson, Mike Kerstiens, Adrian Drakulich, Darin Baker, Mike Briggs, Kori Propst, Corbie Ball, Laura Baldwin, Chris Wright and Andrea Harmon.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Theresa Gagnier and Tamra Royer.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don Goodwin, Mrs. Cary Hilton and the following students from the Gabbs High School, Gabbs:

Barbara Dennis, Linda Dummar, Woody Woodruff, Shelly Hiskett, Cary Hilton, Matt Weeks, Daryl Brown, Robbie Losh, Don Brown, Reese Johnson, Trudi Cox and Roger Hoof.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 4, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 4, 1991

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Chester Richardson.

Almighty God, as we stand before Your ever watchful presence, we come seeking Your blessings on all that we do. Lead us through a course that will bring about a more productive environment for all our good citizens in this great state. Strengthen the leadership here today and give them heart to continue on. May courage and fortitude be our forethought today. We claim this victory in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bill No. 409; Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 285.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 60, 116, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 267.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 253.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 118.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Evans, Stout, Petrak, Carpenter, Bennett, Krenzer, Elliott, Kerns, Little, Wendell Williams, Garner, Sader, Haller, Spitler, Arberry, Heller, Bergevin, Callister, Wong, Giunchigliani, Bache, Humke, Anderson, Norton, Bayley, Hardy, Marvel, Goetting, Pettyjohn, Johnson, Gregory, McGinness, Freeman, McGaughey, Gibbons, Lambert, Scherer, Spriggs, Porter and Myrna Williams:

Assembly Concurrent Resolution No. 40—Designating April 4, 1991, as Nevada REALTORS Day.

WHEREAS, There are approximately 6,000 REALTORS© working in Nevada; and

WHEREAS, The Nevada Legislature recognizes the importance of the service REALTORS provide to the residents of Nevada; and

WHEREAS, A better understanding of the legislative process is beneficial to all REALTORS© as laws are enacted every session which directly affect owners of property in Nevada; and

WHEREAS, On April 4, 1991, REALTORS© from throughout Nevada will come to Carson City to meet members of this Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 4, 1991, is hereby designated as Nevada REALTORS® Day; and be it further

RESOLVED, That members of the 66th session of the Nevada Legislature commend the REALTORS® of Nevada for their encouragement and support of the free enterprise system as they continue to promote ownership of private property by Nevada's residents; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Nevada Association of REALTORS®.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Assemblyman Sader requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I was expecting crowds of my colleagues here today but they must be working because Realtors are very hard-working people. However, in the case of your colleague here, I can't remember the last time I made a sale. Seriously, Realtors have long been some of the outstanding professionals in our state—just ahead of attorneys—and contribute a great deal to the economy. Their job is even harder in the growth days and we are glad to see that. We are following the tradition this year of honoring them on this particular day. I would urge your concurrence with this resolution. We will send it over to the Senate where I think they all are.

Resolution adopted unanimously.

By Assemblymen Haller, Anderson, Pettyjohn, Bache, Lambert, Goetting, Freeman, Bergevin, Sader, Callister, Arberry, Price, Gregory, Johnson, Wong, Gibbons, Marvel, Petrak, Bennett, Krenzer, Little, Spitler, Scherer, Garner, Dini, Elliott, Wendell Williams, Spriggs, Hardy, McGaughey, Porter, Norton, Bayley, Carpenter, Myrna Williams, Kerns, McGinness, Heller, Humke, Giunchigliani, Stout and Evans:

Assembly Concurrent Resolution No. 41—Memorializing Nevada native and matriarch Ruth Davis Sullivan.

WHEREAS, The members of the Nevada Legislature have learned with deepest sorrow of the death on February 17, 1991, of Ruth Davis Sullivan, lifelong resident of Nevada; and

WHEREAS, Mrs. Sullivan was born on June 15, 1896, to Walter Harris and Julia Dunham Davis, of Lovelock, Nevada; and

WHEREAS, Mrs. Sullivan spent her early years in Lovelock, Austin and Wells and was a member of the first graduating class of Pershing County High School in 1914; and

WHEREAS, Mrs. Sullivan continued her education by graduating from San Jose State Normal College and from the King's Conservatory of Music at San Jose, California, and during World War II, trained to be a licensed practical nurse when the war created a shortage of nurses, serving in that capacity at Pershing General Hospital in Lovelock and Saint Mary's Hospital in Reno; and

WHEREAS, An accomplished pianist, Mrs. Sullivan taught piano to seven generations of children in Lovelock and Reno and was the founder of a popular dance band that performed in many small Nevada towns in the 1920s and 1930s called "The Lovelock Four"; and

WHEREAS, Mrs. Sullivan grew up with a rich pioneer heritage that included her great uncle, Brigham Young, her great grandfather, Martin Harris, one of three witnesses to the Book of Mormon, an aunt, Clara Dunham Crowell of Austin who was appointed sheriff of Lander County in the 1880s and her father, Walter Harris Davis who was active in the development of mining properties in Seven Troughs, Scossa and Rochester; and

WHEREAS, Mrs. Sullivan instilled a strong sense of patriotism and community service in her surviving family which includes Leola Hollingsworth Armstrong of Carson City, Marilyn Sullivan Cervantes of Sparks, Edgar Hollingsworth and Eugene Sullivan, both of Reno, Terry Sullivan of Carson City, 19 grandchildren and 11 great-grandchildren; and

WHEREAS, Mrs. Sullivan was preceded in death by her husband, Eugene E. Sullivan, an infant son, Walter Davis Sullivan, and two daughters, LaVerne Hollingsworth and Nancy Gomes, a former member of the Washoe County School Board and Nevada State Assembly; and

WHEREAS, Mrs. Sullivan was a member of the Washoe County Democratic Party, St. Therese the Little Flower Catholic Church and Catholic Daughters of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature pay tribute to the memory of this gracious and distinguished native Nevadan and extend their sincere condolences to the family and friends of Ruth Davis Sullivan; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to the surviving family of Mrs. Sullivan.

Assemblyman Haller moved the adoption of the resolution.

Remarks by Assemblyman Haller.

Assemblyman Sader requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. Ruth Sullivan was a real Nevadan. She was independent and a talented person. She was very active in the political life of our state and her family continues on the path that she led.

Her musical ability was well known and to listen to her play the piano was delightful.

Various stories about Ruth's individuality and strong character abound. For example, once in Lovelock during a political campaign, Ruth was attacked by a dog and fell and broke her arm. Later, with a sling on her arm, she continued to work for her candidate. Interestingly, Ruth would not press charges against the owner of the dog, and, indeed, she paid all of her own medical bills and bore the pain of the injury without complaint.

We shall miss Ruth Sullivan.

Resolution adopted unanimously.

By Assemblymen Dini, Evans, Porter, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Price, Bache, Callister, Sader, Bergevin, Freeman, Goetting, Lambert, Arberry, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Garner, Elliott, Little, Carpenter and Stout:

Assembly Concurrent Resolution No. 42—Memorializing the late Assemblyman Marvin M. Sedway.

WHEREAS, The members of the Nevada Legislature learned with great sorrow of the death of their colleague, Marvin M. Sedway, on July 7, 1990; and

WHEREAS, The passing of Marvin Sedway will be felt by many other persons, including countless disadvantaged Nevadans who otherwise had no voice or champion in the legislative process; and

WHEREAS, Marvin M. Sedway was born on July 24, 1928, in New York City, but spent his formative years in southern Nevada where his family was a part of Nevada's early gaming years; and

WHEREAS, After graduating from Las Vegas High School and the University of Nevada-Reno, Marvin Sedway received his doctoral degree in optometry from Pacific University College of Optometry; and

WHEREAS, Marvin M. Sedway was elected to the Nevada Assembly in 1982 and served until his untimely death at the age of 61; and

WHEREAS, Marvin's quick wit, sharp intellect and keen understanding of governmental finance rapidly led him to a position of leadership in the Nevada Assembly where he served ably as the Chairman of the Assembly Standing Committee on Ways and Means and the Interim Finance Committee; and

WHEREAS, Marvin also served Nevada as a member of the State Health Coordinating Council, Nevada State Board of Optometry Examiners, Clark County Health Systems Agency, and Nevada Optometric Association; and

WHEREAS, Marvin's empathy toward the homeless, the mentally ill, the elderly and all other underprivileged persons was unbending; and

WHEREAS, Marvin believed that the salvation of our society was to provide a good education for our children and young adults; and

WHEREAS, Marvin's penchant for speaking his mind with colorful expression was refreshing in the political arena where carefully chosen phrases abound; and

WHEREAS, Marvin's inner drive, foresight and devotion to public service will long be remembered in Nevada and his loyal friendship missed; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature express their heartfelt sympathy and sincere condolences to the family and friends of the late Marvin M. Sedway, a colorful man who made a difference in the lives of the people of Nevada; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Assemblyman Sedway's beloved wife, Kim, to his children, Stephanie and Michael, to his stepchildren, Roger, Marla, Arleen, Russell, Roberta and Cherlin, and to his grandchildren, Daniel, Brianna, Preston and Jimmy.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Porter, Arberry, Evans, Humke and McGaughey.

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

Assembly in recess at 11:07 a.m.

## ASSEMBLY IN SESSION

At 11:08 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblymen Bergevin, Marvel, Giunchigliani, Price, Kerns, Bache, Callister, Spitler and Dini.

Assemblyman Sader requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. This is rather a difficult subject to talk about, but then again, maybe not. When we moved to Nevada 31 years ago, the first person my husband met was Marvin Sedway. We became very fast, personal friends.

Marvin's love of people, his generosity, his humanitarianism, led me in paths I had never dreamt I would take over my years in southern Nevada in helping and understanding the areas of disadvantaged children, seniors, handicapped and disabled people. He gave of himself and he gave of his time. He gave to me. He was, perhaps not by blood, but he was my brother. We miss him dearly. We love him. No one is more deserving of this resolution and memorializing than Marvin Sedway.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of this resolution. It is not my custom to speak on these matters, but this one I cannot let pass.

Mr. Speaker, when the freshman class of 1987 was elected, there was one individual more than any other, who became, not so much a father figure to us, but certainly a friend. That individual was Marvin Sedway. He took Mr. Spinello, Mr. Williams, Mr. Callister, Mrs. Evans, Mrs. Freeman and the rest of our freshman class, including now Senator Adler, under his wing and taught us the ropes. Whether or not you agreed with Marvin, Marvin knew the system. Marvin knew what he stood for and he let that be clear with anyone. You could disagree with Marvin. If you did so respectfully, he had no problem with that. If you double-crossed him, he was the toughest man I have ever seen.

Mr. Speaker, occasionally this legislative body has someone that comes to these halls and really leaves an imprint. Out of all the people I have served with, I can't think of anyone who left more of an impression upon me than did Marvin Sedway. I watched his style and admired his style. I admired his tenacity. I have tried to incorporate some of those qualities into my legislative service, although not to the degree that, of course, Marvin could. I spent a lot of time with him last year. His wife, Kim, has always been very gracious to me and has always been there whenever I needed anything. I miss the gentleman and I wanted the opportunity to speak on this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in support of this resolution. It was almost eight years ago when Marvin and I met. He and his wife, and I and my wife, went to a dinner one night. Marvin and his wife knew that we were very nervous because we were the new kids on the block. He told me that when we got to session, he would take good care of me. Sometimes when some people tell you that, you might not have a warm feeling, but when it came from him, you knew that he had a deep concern and a caring feeling for you when he made that statement to you.

Many days went by as we served together in the Education Committee. On one occasion, I remember I had a very stressful day. That day was so stressful, I had pain running down my neck. I went over to Marvin and Kim's house, early in the morning, about 6:30, to wake him up. Marvin and his wife got me to see a doctor early that morning. That is what I mean by caring people.

I want to relate to you that Marvin would tell you, when you are upset with someone, don't get mad, just get even. Those were his words to me. Whenever I knew he felt really, really in a bad mood and upset at the brother, I knew that if I knew my shoes and did my cues and everything on target, that I had better make sure I was in his corner.

I only rubbed him once and I will be brief, Mr. Speaker. I only rubbed him once really bad in a committee, our first session in Ways and Means. As you know, my last name starts with an "A." We were on a very serious vote and I had just come back from the restroom and I hadn't gotten my marching orders basically from the chairman. I walked in right when we were getting ready to vote and I voted no. Everybody followed suit. He was so mad that he took us in his office, one by one and gave us a Jewish blessing. I would like to say to all of this body here, his spirit is here and will always be here. We miss you dearly, Marvin. And, Kim, hang in there. We love you both.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I came to know Marvin Sedway in the '83 and '85 session. I was here as an advocate working on a variety of issues and as good luck would have it, many of those issues were also of great interest to Dr. Sedway.

When I ran for office in 1986 and was subsequently elected, the first call I made was to Marvin. I told him, I really wanted a seat on Ways and Means because he was going to be chairing that committee. I said, "if that's at all possible, I sure would like to be considered." He said, "it's not whether you want to be there, it's because I want you to be there." I thought that was, perhaps, the greatest compliment that I could ever have had.

Marvin Sedway was my teacher, he was my rabbi. Though others will come to take his place, no one will ever fill his shoes.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. Coming from a different perspective, I think, Mr. Kerns and I, and Mr. Sedway were in the class of '83 together. We are the remainder of that class, I believe.

I could tell a lot of stories about Dr. Sedway, but suffice it to say, I did not always vote with him, but you always knew you were a friend. He had the ability to look you in the eye and say, "you know your bill is not going to pass," and then smile. You walked away smiling and say, "well it happened to me," but he is still a great guy. Thank you.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I rise in support of the resolution. I had the greatest respect for Marvin as a legislator. I think he brought a lot of conviction, caring and compassion to this body. He was absolutely dedicated to the causes that he supported. If he believed in something, no matter what other people felt, he went all the way with it, even alone at times.

Marvin was a good friend, although if he didn't agree with you, he could also be a very good enemy. I would like to say that I think this body is a better place for having had him here. I think that he could probably be called the "peoples' legislator." Thank you.

ASSEMBLYMAN BERGEVIN:

Thank you, Madam Speaker pro Tempore. I, also, rise in support of this resolution. Mr. Sedway and I were of violent disparity of opinion on many, many occasions. I can tell you for sure that Marvin Sedway was the conscience of the State of Nevada for the years that he served in this Legislature. He gave the state a greater awareness of what education should be, of children's programs. I would characterize him as the father of the new legislative complex that is gradually and slowly taking place. He was the pusher behind that. He was the pusher behind many of those kinds of things in cleaning up Carson City to be truly a state capitol. Although, we argued on many occasions, we had many occasions where we sat down and very, very carefully figured things out together. I counted him as one of my best friends in this body.

ASSEMBLYMAN MARVEL:

I think everything has been said that I can possibly say. Even though we may not have agreed on every issue, one thing about Marvin, when he gave you his word you could go to the bank with it. Kim, we're going to miss Marvin. He certainly was, I would say, a cornerstone for this legislature.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I do rise in favor of A.C.R. 42. I echo what everybody else has said, but I do want to share a little story with you. I first met Marvin Sedway when my husband encouraged him to run for office for the State Assembly, and I was doing interviews for the Teachers Association. Marvin came in and he drove up in a brand new Rolls Royce. He had just gone to an interview with the senior citizens group, and he had a story to tell us about how incensed they had been when he first went in for his interview and said "How dare you drive up in a Rolls Royce." He thought for a minute and he said, "Well, at least you know I could afford it before I went to the legislature." I think that is somewhat typical of Marvin and his sense of humor and his ability to bring that to the legislature. While he was a colorful gentleman, he meant what he said, and he may have chosen to say it in words that were not always supposed to be echoed in these halls, but from time to time he did get his message across. I do think that Mr. Bergevin, though, used the words that I wanted to and that is "Marvin Sedway is our conscience, and he lives on in everyone of us that worry about the underprivileged, the elderly, the children in this state." So in that way, we can always keep a little bit of Marvin with us, so I hope people remember that Marvin is watching us. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I'd like to rise in support of the resolution honoring our former colleague and friend. I had the privilege of working with Marvin and first meeting him when we were working on other committees, the health systems coalition and various things prior to his coming to the legislature. Of course, everything that has been said here is so true about Marvin. One of the things I think I appreciated was his wonderful ability for "stirring the pot" and getting things going that would never have happened. I can think of our own Committee on Taxation, things that would have never happened had it not been for Marvin jumping in with both feet, the way that he always did, to get the ball rolling. I also recall one night during some campaign, and it wasn't the last one, it was before that, he showed up at my house because he didn't think I was working hard enough on my campaign. He cared enough to come driving over to North Las Vegas to chew me out and tell me to get busy so I wouldn't lose the campaign. I was

kind of taken aback, but he cared about all of us. As we all know, he is sorely missed in the state and this is so appropriate, having the resolution today and the building of future things that will help us keep his memory alive.

ASSEMBLYMAN KERNS:

Thank you, Madam Speaker pro Tempore. As Mr. Humke said, he and I and Marv were among the vanishing breed of the 1983 Freshman Class of 19. There are some great memories of that 1985 year, too. I had the honor last session of being on Ways and Means with Marvin, and needless to say, we did have our problems. I can recall one little situation where we had a vote and it came out 13 to 1, and I happened to be the "no" vote. Marvin said, "Kerns did you vote no on that?" I said, "Yes." He said, "Do you want to be recorded as voting "no" on that?" Needless to say I told Marvin what I thought about that question. No matter how much we fought on the floor and in Ways and Means, and we did have our battles, Marvin was a good and true friend outside of these chambers. I won't say he wasn't a friend inside the chambers and inside the committee rooms, except we never agreed on anything. I might even vote "no" on this resolution, but there's a big light fixture above me here and it might be asking for trouble because Marvin did have some power. I'm just not quite sure just how far that power reaches, so I'm not going to take any chances. I am going to be delighted to vote "yes" on this resolution. Also, send Kim my love. Thank you.

ASSEMBLYMAN BACHE:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution. I think everybody else has said many of the things that I feel about Marvin. I, like Ms. Giunchigliani, met Mr. Sedway at the same time and enjoyed the various stories. I worked and supported him in his elections in 1982, 1984, 1986, and 1988, and he is sorely missed in this body. Thank you.

ASSEMBLYMAN CALLISTER:

Thank you, Madam Speaker pro Tempore. I, too, would rise in support of this measure. There are very few people who will leave the kind of footprints that this gentleman has left. There are very few individuals that any of us will ever meet in our lives who leave an impression that survives their passing in the way that I believe Marv's impression has been left indelibly on this institution and on most all the members here, irrespective of party affiliation, regionalism, or anything else. I echo the sentiments of those who have spoken before me. I would imagine that, in terms of my own personal experience, outside of my father no man has had a greater impression in my lifetime, and I doubt that any other will. Marvin was a gentleman of extraordinary example, humor, intellect, compassion, integrity, and extraordinary hard work. Marvin was one of those folks whose personal vocabulary did not include the notion of expediency. Marvin, at whatever cost both personal, public or private, could always be counted on to do the right thing. For the members of Marvin's committee this year, I would remind them that we start an hour and a half later than Marvin ever started to give you some flavor of how hard he worked, although we finish at the same time. I believe that in truth Marvin gave, in the end, his health and even his life to this state, but in the immortal words of that great American poet, Neil Young, "My my, hey hey, it's better to burn out than to fade away."

ASSEMBLYMAN SPITLER:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. While we honor his memory, I would add that I will forever be appreciative of his openness and his willingness to let me share his life and his family. I'll respectfully remember his legacy through his family, especially through his very beautiful wife, Kim.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore and members of the Assembly. I, too, rise in support of the resolution. Marvin made a great impression on me in the years I served with him. I think he leaves a legend that is going to be hard to beat for anybody in this house for many, many years to come.

You know we come from a different region, from a different upcoming. I was a rural legislator; he was a Clark County legislator, but you know, we had a meeting of the minds

because we decided we were going to try to do what was best for the State of Nevada, and that was always in his mind. That's the legacy he's going to leave to this house and to both houses, and to the state because you have to try and do what is best for the State of Nevada.

Look at what he did for the community college system when he fought for its establishment and got it off the ground in Clark County. He's the father of the Clark County Community College System. He fought for that, and then he came to the legislature here, and you know we had some rough years in 1983 being short of money; 1985 the Democrats were in the minority; and we had some different kind of battles then with the majority party at that time. I think he was the inspiration for us to say, "We're not going to be in the minority anymore; we're going to be in the majority next time." I think he led the battle for us to come back and take the majority over in 1987.

Then in 1987, I appointed him chairman of Ways and Means, and half of the lobbyists in the State of Nevada called and said, "You're crazy. What are you doing to the State of Nevada." I said, "I'm putting the most competent person in that position, and he will do a fine job for the State of Nevada." That's what he did. He worked 18 hours a day at his job. He was very prudent in the way we spent our money. He had his goals. His goals were taking care of the children of this state in the future. You know we started the ball rolling for a lot of programs under Marvin's administration in 1987 and 1989. He felt strongly about the elderly in this state. He wanted to take care of the old people. His own personal relationship with his parents showed his devotion to the elderly people in our state. So that's a legacy that's going to be hard for anybody to overcome and beat, probably for the next generation in this house.

He and I developed this bond together in the 1985 Session and 1987 and 1989; occasionally we went to the woodshed together and talked over our differences, but we always worked out what was best for the State of Nevada. He'd say, "Joe, don't take me to the woodshed today. I didn't do too much wrong." I would say, "Well, Marvin, let's go talk about it anyway." But, that's what it was all about, and I wish that everybody in this house could have been here to serve with him so that you would know what a real Assemblyman was all about. In his devotion to the State of Nevada, he had it in his heart for this state, and he had it in his heart for this capitol. He wanted us to have the most beautiful capitol in the United States. He travelled a lot with Kim and saw many capitols throughout the United States, and wanted to see Carson City look beautiful when our visitors came here to see it. He wanted us to have a functional building here at the legislature. He sat on the building subcommittee. We got the SOB building over here, the State Office Building; that was his idea. He put that together as chairman of that committee. We did our remodeling this year which has helped considerably in providing better facilities for members of these houses to operate in. That was his goal, to do everything right for the membership in these houses, too. I think those are necessary things, and that is why we miss his leadership this time because he was willing to step up there and do these things for the State of Nevada.

He went to the University of Nevada-Reno at the same time that I went. He only stayed a year, I think, but he had a lot of the old time spirit of Nevada from growing up in Las Vegas in his early days. He captured that spirit and he continued it while he was here in the Assembly, and we're going to miss him greatly. We want to send our condolences to Mrs. Sedway and to his brother, Paul, again. He is deeply missed in this chamber, but we know that his spirit will always be with us and will help us do better things for the people in our state.

Resolution adopted unanimously.

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

Assembly in recess at 11:23 a.m.

## ASSEMBLY IN SESSION

At 11:24 a.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolutions Nos. 40, 41, 42 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:25 a.m.

## ASSEMBLY IN SESSION

At 11:37 a.m.
Mr. Speaker presiding.
Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 384.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Assemblyman Bayley moved the adoption of the resolution.

Remarks by Assemblyman Bayley.

Resolution adopted, as amended.

Assemblyman Arberry moved that Assembly Bill No. 26 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 489—An Act relating to real property; revising the procedure for the recording of adjustments to boundaries of real property; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bache, Bennett, Petrak, Anderson, Wendell Williams, Lambert, Haller, Norton, Johnson, Marvel, Sader, Myrna Williams, McGinness, Freeman, Gibbons, Little, Price, Evans, Arberry, Kerns, Giunchigliani, Carpenter, Krenzer, Elliott, Spriggs, Spitler, Goetting, Garner, Bergevin, McGaughey and Dini:

Assembly Bill No. 490—An Act relating to motorcycles; establishing a training program for motorcycle safety; creating an advisory board on motorcycle safety to assist in developing and maintaining the program; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 253.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 267.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 384.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## SECOND READING AND AMENDMENT

Assembly Bill No. 101.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3 of the 65th Session.

Resolution read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 284 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 384.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 384:

YEAS—42.

NAYS—None.

Senate Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 384 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 27:

YEAS—42.

NAYS—None.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblymen Freeman, Anderson and McGinness.

Roll call on Assembly Bill No. 29:

YEAS—42.

NAYS—None.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 112.

Bill read third time.

Remarks by Assemblymen Haller and Scherer.

Roll call on Assembly Bill No. 112:

YEAS—32.

NAYS—Bayley, Carpenter, Goetting, Gregory, Humke, Pettyjohn, Scherer, Stout, Wong, Mr. Speaker—10.

Assembly Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen McGaughey, Arberry, Garner, Bergevin and Spriggs.

Roll call on Assembly Bill No. 370:

YEAS—42.

NAYS—None.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

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

Amendment No. 302.

Amend section 1, page 1, line 15, after "2." by inserting: "*The governing body shall, as a condition of issuing or renewing the business license related to each such commercial building, require the submission by the applicant of a signed affidavit attesting to his compliance with the ordinance.*

*3.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner and Myrna Williams.

Assemblyman Garner moved that Assembly Bill No. 284 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Senate Bill No. 83.

Bill read third time.

Remarks by Assemblymen Hardy, Carpenter, Anderson, Sader and Scherer.

Roll call on Senate Bill No. 83:

YEAS—34.

NAYS—Anderson, Arberry, Carpenter, Johnson, Porter, Price, Myrna Williams, Wendell Williams—8.

Senate Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 95.

Bill read third time.

Remarks by Assemblyman Gibbons and Price.

Roll call on Senate Bill No. 95:

YEAS—41.

NAYS—None.

Not voting—Porter.

Senate Bill No. 95 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 256.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Senate Bill No. 256:

YEAS—42.

NAYS—None.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REMARKS FROM THE FLOOR

Assemblyman Price requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this honorable body. As we now see, some of our Realtor friends and colleagues have joined us from the Senate. I wanted to add for the record today we have approximately 150 Realtors visiting us here in the Legislature with about 51 of them from Las Vegas. I think behind me here, at this point in time, and I know here in the building from the Las Vegas area, the president of our greater Las Vegas Association of Realtors, Judy Woods; we also have Jack Woodcock, President Elect; Marv Rubin, First Vice President; Chris Harris, the Legislative Committee Chair from Reno; on my right Ronn Reiss, the former Commissioner with our Real Estate Commission; and on my left, I would like to present our Resolution to Curry Jameson, State President of the Association, also from Reno, not from Las Vegas.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 55, 93, 174, 272, 273; Senate Bill No. 374.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Allen and Mr. Sterling Allen.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathy Fitzsimmons, Cindy Cook and Cheryl Detrick.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Lance Corporal Robert Marquardt.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Courtney L. Beach.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kim Calhoun.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Teri Kellerer, Sharon Simpson and Cathy Colvin.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Leola Armstrong, Messrs. Bryn Armstrong, Edgar Hollingsworth, Eugene Sullivan, Mss. Anita Sullivan, Marilyn Cervantes, Mr. Ken Cervantes, Mr. and Mrs. Joe

Cervantes, Mr. Terry Sullivan, Ms. C.J. Hadley, Mr. John Gomes, Mss. Janie Frenzel, Nancy L. Cervantes, Mr. Bert Hadley, Ms. Cydney Liles and Mr. Mike Meizel.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness, Messrs. Rob Davis and Ernie Heying.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Eva Trevillion.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ronn Reiss, Ms. Judy Woods, Messrs. Jack Woodcock, Marv Rubin, Curry Jameson and Chris Harris.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Violet Addenbrooke and Mellisa Spriggs.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Kim Sedway and Mr. Paul Sedway.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 5, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 5, 1991

Assembly called to order at 10:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Sader, who was excused.

Prayer by the Chaplain, The Reverend Chester Richardson.

Almighty God, we rise this morning before Your ever watchful presence seeking Your grace upon this noble Assembly and their families. When we reflect upon all that You have done and all that You will do, we cannot help but praise Your holy name. Guide us this morning so that the prosperity of our state will be insured for future generations. Let conviction and persistence be our forethought today. And as we thank You, God, for this Friday, I also thank You for the opportunity I have had to share with this great House. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 85, 102, 144, 313, 317.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 40, 41, 42.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Adler, Cook and Tyler as a first Committee on Conference concerning Senate Bill No. 76.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## COMMUNICATIONS

USAF TACTICAL FIGHTER WEAPONS CENTER
NELLIS AIR FORCE BASE, NEVADA

27 March 1991

MS. MOURYNE B. LANDING, *Chief Clerk of the Assembly,* Legislative Building, 401 S. Carson Street, Carson City, Nevada 89710

DEAR MS. LANDING:

It was with very special pride that I received the Assembly's Concurrent Resolution No. 25 recognizing the efforts of our armed forces in the recent war against Iraq. It is just this type of interest and support which enabled our forces to succeed in the Gulf.

This is a very special and proud time for our entire country. Our successes during the war were clearly the result of a team effort. The Assembly's support as we welcome the Nevada Desert Storm winners home helps keep that pride and dedication going strong. On behalf of every man and woman at Nellis—thank you!

Sincerely,

BILLY G. MCCOY
*Major General, USAF*
*Commander*

NEVADA STATE ASSEMBLY, C/O MR. JOE DINI, Carson City, Nevada 89710

Perhaps you sent a lovely card, or sat quietly in a chair.
Perhaps you sent a funeral spray, if so we saw it there.
Perhaps you spoke the kindest words, as any friend could say;
Perhaps you were not there at all, just thought of us that day.
Whatever you did to console our hearts,
We thank you so much whatever the part.

The flowers are beautiful! Thank you very much.

The family of Curly Warburton

ELLIE WARBURTON

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblyman Gibbons.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 491—An Act relating to traffic laws; imposing additional penalties for driving under the influence of intoxicating liquor or a controlled substance; requiring the treatment of an alcoholic or abuser of drugs convicted of such an offense; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Dini, Gibbons, Evans, Giunchigliani, Krenzer, Myrna Williams, Elliott, Little, Price, Porter, Norton, Hardy, Bache, Haller, Johnson, Sader, Freeman, Goetting, Garner, Callister, Wendell Williams, Bennett, Petrak, Carpenter, Gregory, Pettyjohn, Arberry, Spitler, Heller, Wong, Spriggs, McGaughey, Bayley, Marvel, Humke and McGinness:

Assembly Bill No. 492—An Act relating to educational personnel; clarifying the grounds upon which a licensed employee may be suspended without a notice or hearing; making various other changes relating to the suspension and dismissal of such an employee; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McGinness, Marvel, Goetting, Arberry, Bache, Bergevin, Heller, Carpenter, Humke, Stout, Dini and Callister:

Assembly Bill No. 493—An Act making an appropriation to the White Pine Historical Railroad Foundation for maintenance and operational expenses; and providing other matters properly relating thereto.

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

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 313.

Amend sec. 12, page 2, lines 16 and 17, by deleting: "*, or not opposed to,*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 5.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Senate Bill No. 292 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 220.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 6.
Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 76 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 389.
Remarks by Assemblyman Scherer.
Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 190 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblymen Scherer and Myrna Williams.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 69.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 69:
YEAS—41.
NAYS—None.
Absent—Sader.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 88.
Bill read third time.
Remarks by Assemblyman Elliott.
Roll call on Assembly Bill No. 88:
YEAS—41.
NAYS—None.
Absent—Sader.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 92.
Bill read third time.
Remarks by Assemblymen Elliott and Spriggs.
Assemblyman Humke moved that Assembly Bill No. 92 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Humke.
Motion carried.

Assembly Bill No. 101.
Bill read third time.
Remarks by Assemblymen Lambert, Carpenter and Petrak.
Roll call on Assembly Bill No. 101:
YEAS—38.
NAYS—Carpenter, Kerns—2.
Absent—Bergevin, Sader—2.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblymen Porter, Scherer and Johnson.
Conflict of interest declared by Assemblyman Scherer.
Roll call on Assembly Bill No. 256:
YEAS—39.
NAYS—None.
Absent—Bergevin, Sader—2.
Not voting—Scherer.

Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 294.
Bill read third time.
Remarks by Assemblyman McGaughey and Hardy.
Conflict of interest declared by Assemblyman Hardy.
Roll call on Assembly Bill No. 294:
YEAS—40.
NAYS—None.
Absent—Sader.
Not voting—Hardy.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 389.
Bill read third time.
Remarks by Assemblyman Heller.
Roll call on Assembly Bill No. 389:
YEAS—40.
NAYS—Pettyjohn.
Absent—Sader.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 76.
Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 303.

Amend sec. 9, page 5, by deleting lines 38 through 42 and inserting:

"488.235 1. [A] *Except as otherwise provided in this subsection, a* person shall not operate a vessel on any waters of this state for towing a person on water skis or a surfboard or similar device unless *the operator is at least 14 years of age and* there is in the vessel a person [,] *who is at least 12 years of age,* in addition to the operator, in a position to observe the progress of the person being towed. *A person who is at least 12 years of age but less than 14 years of age may operate a vessel for towing a person, if a person who is 21 years of age or older is a passenger in the vessel. A person who is at least 10 years of age but less than 12 years of age may serve as the required observer in the vessel, if a person who is 21 years of age or older is a passenger in the vessel.*".

Amend the title of the bill, fourth line, by deleting: "12 years of" and inserting "a certain".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Senate Bill No. 32:

YEAS—41.

NAYS—None.

Absent—Sader.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 66:

YEAS—41.

NAYS—None.

Absent—Sader.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Senate Bill No. 92:

YEAS—41.

NAYS—None.

Absent—Sader.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 100:

YEAS—41.

NAYS—None.

Absent—Sader.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 231:

YEAS—41.

NAYS—None.

Absent—Sader.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3 of the 65th Session.

Resolution read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Joint Resolution No. 3 of the 65th Session:

YEAS—40.

NAYS—Wendell Williams.

Absent—Sader.

Senate Joint Resolution No. 3 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 494—An Act relating to the commission on economic development; reducing the contribution required of certain local governments for opening and maintaining an office and showroom in the Taipei World Trade Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 495—An Act relating to assistance to the medically indigent; broadening the offenses punishable by civil or criminal action related to such assistance; extending the duties of the attorney general to criminal actions of this kind; creating the Medicaid fraud control unit within the office of the attorney general; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 285; Senate Bills Nos. 34, 41, 236, 248, 249, 384; Senate Concurrent Resolution No. 20.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Schorr.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dick Fairbanks and Ms. Kay Barcellos.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Deanna Lawrence and Mr. Terry Nosse.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Judge Smith and Bob Gastonguay.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Brian Sullivan.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Nicholes and Mr. Gary Levtzinger.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jenny Laird and Mr. Ronnie Laird.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Lynda Schell and Mr. Mike Schell.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 8, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 8, 1991

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Norman King.

God, our Father, help us to realize that the leadership to which our people have entrusted us is Your gift. We must exercise it in terms of service to our fellow human beings. To be faithful to this calling is our prayer, asking Your heavenly assistance. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 164, 369; Senate Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 156, 165, 173; Senate Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 88.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Arberry, Wendell Williams, Marvel, Callister, Price, McGinness, Bache, Humke, Evans, Dini, Garner, Myrna Williams, Giunchigliani, Spriggs, Norton, Anderson, Kerns, Gregory, Johnson, Wong, Gibbons, Porter, McGaughey, Bergevin, Freeman, Goetting, Spitler, Lambert, Haller, Pettyjohn, Bayley, Scherer, Hardy, Heller, Krenzer and Bennett:

Assembly Concurrent Resolution No. 43—Commending the NAACP for fostering improved relations with the Japanese.

WHEREAS The Western Region of the National Association for the Advancement of Colored People (NAACP) Mutual Interest Tour of Japan is an initial step taken to strengthen the relationship between the people of Japan and the African American people; and

WHEREAS, The goal of this tour is to help create a greater understanding of Japan by Americans and of the United States among the people of Japan; and

WHEREAS, Japanese economic growth and investments in the United States have increased significantly during the past decade and it is important that Americans and Japanese develop a productive partnership; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature wishes to commend the NAACP for its efforts toward improving relations with the Japanese through its Mutual Interest Tour of Japan; and be it further

RESOLVED, That a copy of this resolution be prepared by the Chief Clerk of the Assembly and transmitted forthwith to James L. Martin, Regional Director of the Western Region of the National Association for the Advancement of Colored People.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

Assemblyman Arberry moved that all rules be suspended and that Assembly Concurrent Resolution No. 43 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 291.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, line 36, by deleting "*a legitimate*" and inserting "*an*".

Amend sec. 2, page 2, line 37, by deleting "*at face value*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 92 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spitler.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 328.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 244.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. NRS 41.141 is hereby amended to read as follows:

41.141 1. In any action to recover damages for death or injury to persons or for injury to property in which comparative negligence is asserted as a defense, the comparative negligence of the plaintiff or his decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties to the action against whom recovery is sought.

2. In those cases, the judge shall instruct the jury that:

(a) The plaintiff may not recover if his comparative negligence or that of his decedent is greater than the negligence of the defendant or the combined negligence of multiple defendants.

(b) If the jury determines the plaintiff is entitled to recover, it shall return:

(1) By general verdict the total amount of damages the plaintiff would be entitled to recover without regard to his comparative negligence; and

(2) A special verdict indicating the percentage of negligence attributable to each party remaining in the action.

3. If a defendant in such an action settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount of the settlement must not thereafter be admitted into evidence nor considered by the jury. The judge shall deduct the amount of the settlement from the net sum otherwise recoverable by the plaintiff pursuant to the general and special verdicts.

4. Where recovery is allowed against more than one defendant in such an action, except as otherwise provided in subsection 5, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to him.

5. This section does not affect the joint and several liability, if any, of the defendants in an action based upon:

(a) Strict liability;

(b) An intentional tort;

(c) The emission, disposal or spillage of a toxic or hazardous substance;

(d) The concerted acts of the defendants; or

(e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in this state.

6. As used in this section:

(a) "Concerted acts of the defendants" does not include negligent acts committed by providers of health care while working together to provide treatment to a patient.

(b) "Provider of health care" [has the meaning ascribed to it in NRS 629.031.] *means:*

*(1) A person defined as such pursuant to NRS 629.031; or*

*(2) A person who is licensed pursuant to NRS 450B.160, is certified pursuant to NRS 450B.180, or holds a permit issued pursuant to NRS 450B.200.*

Sec. 2. Chapter 41A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Provider of emergency medical services" means a person who:*

*1. Is licensed pursuant to NRS 450B.160;*

*2. Is certified pursuant to NRS 450B.180; or*

*3. Holds a permit issued pursuant to NRS 450B.200.*

Sec. 3. NRS 41A.003 is hereby amended to read as follows:

41A.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 41A.006 to 41A.013, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 4. NRS 41A.009 is hereby amended to read as follows:

41A.009 "Medical malpractice" means the failure of a physician, hospital or employee of a hospital, *or of a provider of emergency medical services,* in rendering services, to use the reasonable care, skill or knowledge ordinarily used under similar circumstances.

Sec. 5. NRS 41A.023 is hereby amended to read as follows:

41A.023 1. The board of governors of the Nevada Trial Lawyers Association may designate 40 of its members to serve on the northern tentative screening panel and 40 of its members to serve on the southern tentative screening panel. Each person so designated shall serve for a term of 1 year.

2. The executive committee of the Nevada State Medical Association may designate 40 of its members to serve on the northern tentative screening panel and 40 of its members to serve on the southern tentative screening panel. Each person so designated shall serve for a term of 1 year.

3. The Nevada Hospital Association may designate 40 administrators of hospitals and other persons employed by hospitals in management positions to serve as nonvoting members of the tentative screening panels. Each person so designated shall serve for a term of 1 year.

*4. Each agency that holds a permit issued pursuant to NRS 450B.200 may designate two of its administrators with advanced practical experience to serve as nonvoting members of the tentative screening panels. Each person so designated shall serve for a term of 1 year.*

Sec. 6. NRS 41A.033 is hereby amended to read as follows:

41A.033 The division, through the commissioner of insurance:

1. Shall maintain a list of the names of the attorneys, physicians, administrators of hospitals , [and] persons employed by hospitals in management positions , *and administrators of agencies that provide emergency medical services* on the northern tentative screening panel and on the southern tentative screening panel;

2. Shall select the members of the screening panels;

3. Shall schedule the hearings for those panels;

4. Shall obtain, before or after the filing of the complaint, such health care records, statements of policy and procedure, and other materials as may be required by the parties or the screening panel in connection with the claim;

5. Shall charge and collect a reasonable fee for copying materials produced under subpena;

6. For good cause shown, may authorize extensions of time for the filing of:

(a) An answer, not to exceed 60 days;

(b) A response, not to exceed 10 days; and

(c) Continuances,

for the proceedings involving a screening panel; and

7. May adopt such rules of practice and procedure as are necessary to carry out its duties pursuant to NRS 41A.003 to 41A.069, inclusive.

Sec. 7. NRS 41A.043 is hereby amended to read as follows:

41A.043 1. Within 35 days after the expiration of the time in which to answer the complaint of medical malpractice, the division shall hold a conference to resolve any issues as to challenges for cause. For good cause shown, the division may continue the conference once, for a period not to exceed 7 days. A party may challenge any person on the tentative screening panel for cause on any of the grounds provided by NRS 16.050 for the challenge of jurors.

2. The division shall determine whether cause exists to excuse any member of the tentative screening panel and shall notify each party of the excused members no later than the completion of the conference required by subsection 1.

3. Except as otherwise provided in this subsection, each party is entitled to not more than:

(a) Three peremptory challenges from the list of attorneys; and

(b) Three peremptory challenges from the list of physicians.

In any case in which there are two or more claimants or respondents, they are collectively entitled to not more than six peremptory challenges from the list of members selected for the tentative screening panel. Each party asserting a peremptory challenge shall notify the division of the challenge at the conference required by subsection 1.

4. The division shall randomly select, from the list of members of the tentative screening panel who have not been excused for cause or by a peremptory challenge [, the] *:*

*(a) The* names of three physicians [,] *and* three attorneys [and, if a hospital is also named in the complaint, one administrator of a hospital or person employed by a hospital in a management position,] to serve on the screening panel for review of a claim of medical malpractice . [,]

*(b) If a hospital is also named in the complaint, one administrator of a hospital or person employed by a hospital in a management position to serve on the screening panel,* but the representative of a hospital may not vote on any claim before the screening panel.

*(c) If a provider of emergency medical services is named in the complaint, one administrator of an agency that provides emergency medical services to serve on the screening panel, but the representative of an agency that provides emergency medical services may not vote on any claim before the screening panel.*

5. The division shall notify the parties and the members selected to serve on the screening panel immediately after it has made the selections. If any member so selected declines to serve, the division shall immediately and randomly select a replacement from the list.

6. If, because of the exercise of challenges for cause or peremptory challenges or any other reason, no attorney, physician or administrator of a hospital designated pursuant to NRS 41A.023 remains available to serve on the screening panel, the division shall immediately notify the Nevada Trial Lawyers Association, the Nevada State Medical Association or the Nevada Hospital Association, as appropriate, and that association shall immediately designate a replacement from among its members. No person who is not so designated may serve on the screening panel.

*7. If, for any reason, no administrator of an agency that provides emergency medical services designated pursuant to NRS 41A.023 is available to serve on the screening panel, the division shall immediately notify each agency that holds a permit issued pursuant to NRS 450B.200, and those agencies shall immediately designate a replacement, if one is available. No person who is not so designated may serve on the screening panel.*

Sec. 8. NRS 41A.049 is hereby amended to read as follows:

41A.049 1. A claim must be heard by the screening panel within 30 days after the panel is selected.

2. The screening panel shall consider all the documentary material, including the complaint, answer and response, health care records and records of a hospital or office and the testimony of any expert witnesses the panel considers necessary, and shall determine only, from that evidence, whether there is a reasonable probability that the acts complained of constitute medical malpractice and that the claimant was injured thereby. Except for the issue of whether there is a reasonable probability of medical malpractice and whether the claimant was injured thereby, the screening panel shall not consider any pleading or paper to the extent that it addresses a legal issue presented by the claim or a legal argument of a party.

3. Copies of the original complaint and of the findings of the screening panel with regard to each matter considered by the panel must be forwarded to:

(a) The board of medical examiners; and

(b) The county medical society of the county in which the alleged malpractice occurred.

4. *If a provider of emergency medical services is named in the complaint, copies of the original complaint and of the findings of the screening panel with regard to each matter considered by the panel must be forwarded to the agency responsible pursuant to NRS 450B.150 for regulation of the provider of emergency medical services.*

5. The commissioner of insurance shall mail to the parties a copy of the findings of the screening panel concerning the complaint.

[5.] *6.* The written findings must be based upon a vote of the members of the screening panel made by written ballot, must be rendered within 5 days after the review and must be in substantially the following form:

(a) Based upon a review of the materials submitted by the parties and the testimony of medical experts (if any were called) we find that there is a reasonable probability of medical malpractice and that the claimant was injured thereby;

(b) Based upon a review of the materials submitted by the parties and the testimony of medical experts (if any were called) we find that there is no reasonable probability of medical malpractice; or

(c) Based upon a review of the materials submitted by the parties and the testimony of medical experts (if any were called) we are unable to reach a decision on the issue of medical malpractice.

[6.] *7.* Whenever four members of the screening panel are unable to find that there is a reasonable probability of medical malpractice and that the claimant was injured thereby or that there is no reasonable probability of medical malpractice, the screening panel shall be deemed unable to reach a decision on the issue and shall make a finding to that effect.

Sec. 9. NRS 41A.097 is hereby amended to read as follows:

41A.097 1. Except as provided in subsection 2, an action for injury or death against a provider of health care may not be commenced more than 4 years after the date of injury or 2 years after the plaintiff discovers or through the use of reasonable diligence should have discovered the injury, whichever occurs first, for:

(a) Injury to or wrongful death of a person, based upon alleged professional negligence of the provider of health care;

(b) Injury to or wrongful death of a person from professional services rendered without consent; or

(c) Injury to or wrongful death of a person from error or omission in practice by the provider of health care.

2. This time limitation is tolled:

(a) For any period during which the provider of health care has concealed any act, error or omission upon which the action is based and which is known or through the use of reasonable diligence should have been known to him.

(b) In any action governed by the provisions of NRS 41A.003 to 41A.069, inclusive, from the date a claimant files a complaint for review by a

screening panel until 30 days after the date the panel notifies the claimant, in writing, of its findings. The provisions of this paragraph apply to an action against the provider of health care and to an action against any person, government or political subdivision of a government who is alleged by the claimant to be liable vicariously for the medical malpractice of the provider of health care, if the provider, person, government or political subdivision has received notice of the filing of a complaint for review by a screening panel within the limitation of time provided in subsection 1.

3. For purposes of this section, the parent, guardian or legal custodian of any minor child is responsible for exercising reasonable judgment in determining whether to prosecute any cause of action limited by subsection 1. If the parent, guardian or custodian fails to commence an action on behalf of that child within the prescribed period of limitations, the child may not bring an action based on the same alleged injury against any provider of health care upon the removal of his disability, except that in the case of:

(a) Brain damage or birth defect, the period of limitation is extended until the child attains 10 years of age.

(b) Sterility, the period of limitation is extended until 2 years after the child discovers the injury.

4. As used in this section, "provider of health care" means [a] *:*

*(a) A* physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatrist, licensed psychologist, chiropractor, doctor of traditional Oriental medicine in any form, medical laboratory director or technician, or a licensed hospital as the employer of any such person [.] *; or*

*(b) A person who is licensed pursuant to NRS 450B.160, is certified pursuant to NRS 450B.180, or holds a permit issued pursuant to NRS 450B.200.*".

Amend the title of the bill to read as follows:

"An Act relating to emergency medical services; requiring that claims of medical malpractice against a provider of emergency medical services be submitted to a screening panel; providing that actions taken by providers of emergency medical services do not constitute "concerted acts" for the purposes of joint and several liability; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires submission of malpractice claims concerning emergency medical services to screening panel. (BDR 3-418)".

Assemblyman Goetting moved the adoption of the amendment.

Remarks by Assemblyman Goetting.

Amendment adopted.

Assemblyman Goetting moved that Assembly Bill No. 328 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Judiciary.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 409:
YEAS—42.
NAYS—None.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 5.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 5:
YEAS—42.
NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 25.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 25:
YEAS—42.
NAYS—None.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 220.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Senate Bill No. 220:
YEAS—42.
NAYS—None.

Senate Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 6.
Resolution read third time.
Remarks by Assemblyman Johnson.
Roll call on Senate Joint Resolution No. 6:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblymen Elliott and Carpenter.

Roll call on Assembly Bill No. 92:

YEAS—42.

NAYS—None.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 116.

The following Senate amendment was read:

Amendment No. 222.

Amend section 1, page 1, line 7, by deleting "Fix," and inserting: "Except as otherwise provided in section 3.7 of [this act,] *Senate Bill No. 112 of this session,* fix,".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 116.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 290.

Amend section 1, page 1, line 24, by deleting: "Assault or battery" and inserting "Battery".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 60.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 118, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, Anderson and Elliott as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 118.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:34 a.m.

## ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Select Committee on Corrections:

Assembly Bill No. 496—An Act relating to parole; requiring the consideration for parole of a prisoner who is eligible; providing a means to enforce the cooperation of such a prisoner with the state board of parole commissioners; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

By the Select Committee on Corrections:

Assembly Bill No. 497—An Act relating to parole; reducing the minimum time to be served before a prisoner is eligible for parole; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

By the Select Committee on Corrections:

Assembly Bill No. 498—An Act relating to parole; changing the time for the mandatory parole of certain offenders; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 499—An Act relating to escrow; transferring authority for the regulation of certain escrow agencies and agents from the real estate division to the division of financial institutions of the department of commerce; requiring the periodic examination of certain escrow agencies; authorizing the establishment by regulation of certain fees; including as an escrow activity the collection of installment debt secured by real property;

authorizing disciplinary action against an escrow agency, title agent or title insurer for failure to supervise adequately certain persons employed or appointed by him; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 500—An Act relating to pharmacy; making various changes relating to pharmacies, prescriptions and persons authorized to dispense drugs; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 501—An Act relating to pharmacies; providing for the licensing of certain pharmacies located outside Nevada and wholesale distributors of drugs; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Committee on Commerce.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2060), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Giunchigliani.

Roll call on Assemblyman Giunchigliani's motion.

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

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

Assembly in recess at 11:46 a.m.

## ASSEMBLY IN SESSION

At 11:47 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 85, 102, 144, 313, 317; Senate Bills Nos. 83, 88, 95, 256; Assembly Concurrent Resolutions Nos. 40, 41, 42.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Snyder and Ms. Mary Ellen Wilkerson.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shirley Dale.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Leo Curto.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Roy Fehler.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Fran Jayo and Terri Robertson.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 9, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 9, 1991

Assembly called to order at 10:31 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Norman King.

God, our Father, You are the giver of all that is good. We thank You for this day. We ask the gift of Your spirit to help us to be wise in our decisions, to be considerate of each other as we deliberate, and to be compassionate to those whom we serve. This we ask in the name of Your son. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Senate Bills Nos. 20, 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 151, 166, 175.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 211, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 204.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 131.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Spitler, McGinness, Callister, Johnson, Goetting, Pettyjohn, Anderson, Scherer, Bayley, Freeman, Wong, Krenzer, Petrak, Bennett, Kerns, Stout, Little, Elliott, Norton, Myrna Williams, Spriggs, Hardy, McGaughey, Gregory, Humke, Arberry, Wendell Williams, Dini, Garner, Carpenter, Evans, Price, Porter, Lambert, Bache, Haller, Bergevin, Sader, Gibbons, Marvel and Heller:

Assembly Concurrent Resolution No. 44—Commending the Nevada Parent-Teacher Association.

WHEREAS, The education of the youth of Nevada and our nation is a primary concern of the citizens of Nevada and the United States; and

WHEREAS, In an effort to improve education by involving parents in the process, the first parent-teacher association was organized in Nevada in 1941; and

WHEREAS, The Nevada Parent-Teacher Association has a current membership of over 35,000; and

WHEREAS, This month 250 delegates from the Nevada Parent-Teacher Association will be participating in a 4-day state convention where they will attend several seminars relating to education; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 66th session of the Nevada Legislature hereby commends the members of the Nevada Parent-Teacher Association upon their outstanding contributions to education in the State of Nevada; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Bonnie Parnell, President of the Nevada Parent-Teacher Association.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Evans, Freeman, Haller, Anderson and Gibbons.

Resolution adopted.

Assemblyman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 44 be immediately transmitted to the Senate.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 204.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Elliott moved that Senate Bill No. 211 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Elliott.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 274.

Amend section 1, page 2, line 29, by deleting "*25*" and inserting "*20*".

Amend section 1, page 2, line 37, by deleting " "P-1," "A-1" " and inserting: "["P-1," "A-1"] *"A-1," "P-1"* ".

Amend section 1, page 2, line 40, by deleting "25" and inserting "[25] *20*".

Amend section 1, page 3, line 6, by deleting "25" and inserting "[25] *20*".

Amend the title of the bill, second line, after "acceptances;" by inserting: "decreasing the percentage of state money that may be invested in commercial paper and certain unconditional obligations;".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 165.

Bill read second time.

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

Amendment No. 127.

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

"Section 1. Sections 1.060, 1.080 and 2.320 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, as amended in part, are hereby amended to read as follows:

Sec. 1.060 Elective offices.

1. The elective officers of the city consist of:

(a) A mayor.

(b) Four councilmen.

(c) [One municipal judge.] *Municipal judges.*

2. Such officers shall be elected as provided by this charter.

Sec. 1.080 Mayor and councilmen not to hold other office.

1. The mayor and councilmen shall not:

(a) Hold any other elective office with the State of Nevada or any of its political subdivisions [,] *or any other employment with the county or city,* except as provided by law , [or] as a member of a board or commission which is ancillary to the office which he holds [.] *or as a member of the board of trustees of a county school district.*

(b) Be elected or appointed to any office created by or the compensation for which was increased or fixed by the city council until 1 year after the expiration of the term for which [such person] *he* was elected.

2. Any person holding any office proscribed by subsection 1 [shall automatically forfeit] *automatically forfeits* his office as mayor or councilman.''.

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

''Sec. 2. Chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 4.015, immediately preceding section 4.020, to read as follows:

*Sec. 4.015 Municipal court.*

*1. There is a municipal court of the city which consists of at least one department. Each such department must be presided over by a municipal judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this charter, governed by chapters 5 and 266 of NRS which relate to municipal courts.*

*2. The city council may from time to time establish additional departments of the municipal court and shall appoint an additional municipal judge for each.*

*3. At the first general election which follows the appointment of an additional municipal judge to a newly created department of the municipal court, the successor to that municipal judge must be elected for a term of 2 or 4 years, as determined by the city council, in order to effectuate the intent of this provision that, as nearly as practicable, one-half of the number of municipal judges be elected every 2 years.*

*4. Each municipal judge must be voted upon by the registered voters of the city at large.*

*5. The respective departments of the municipal court must be numbered 1 through the appropriate arabic number, as additional departments are approved by the city council. A municipal judge must be elected for each department by number.*

Sec. 3. Section 4.020 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 415, as last amended by chapter 208, Statutes of Nevada 1985, at page 674, is hereby amended to read as follows:

Sec. 4.020 Municipal court: Residency requirement of municipal judge; salary.

1. [A] *Each* municipal judge must have been a resident of the city for a continuous 3-year period immediately preceding his election.

2. The salary of [the] *each* municipal judge must be fixed by the city council [.] *and be uniform for all departments of the municipal court.*''.

Amend the title of the bill, first line, after "Henderson;" by inserting: "authorizing the expansion of the municipal court; prohibiting certain employment by the mayor and councilmen;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to charter of City of Henderson. (BDR S-689)".

Assemblyman Little moved the adoption of the amendment.

Remarks by Assemblyman Little.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time.

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

Amendment No. 77.

Amend section 1, page 1, by deleting line 5 and inserting: "*health, safety or welfare, and where such use does not interfere with federal obligations to deliver Colorado River water.*".

Amend sec. 2, page 1, by deleting lines 7 through 24 and inserting:

"533.372 [1.] Based upon the public interest and the economic welfare of the State of Nevada, the state engineer may approve or disapprove any application of water to beneficial use or any application which contemplates a change in the place or beneficial use of water to a use involving the industrial purpose of generating energy to be exported out of this state.

[2. The state engineer shall not approve any application or issue any permit to appropriate the waters of the Colorado River held in trust by the Colorado River commission except after approval of the application by the commission. The commission and the state engineer may adopt such joint regulations as may be necessary for the purpose of carrying out the provisions of this subsection.]".

Amend sec. 3, page 2, by deleting lines 8 through 12 and inserting:

"2. Applications [to appropriate such waters must be made in accordance with chapter 533 of NRS and are subject to approval by the commission as set forth in NRS 533.370 and 533.372.] *for the original appropriation of such waters, or to change the place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the commission in accordance with the regulations of the commission. In considering such an application, the commission shall use the criteria set forth in subsection 3 of NRS 533.370. The commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law.*

*3. The commission shall furnish to the state engineer a copy of all agreements entered into by the commission concerning the original appropriation and use of such waters. It shall also furnish to the state engineer any other information it possesses relating to the use of water from the Colorado*

*River which the state engineer deems necessary to allow him to act on applications for permits for the subsequent appropriation of these waters after they fall within the state engineer's jurisdiction.*

*4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the commission or by any entity to whom the commission has leased, subleased, contracted, exchanged or sold the water is not subject to regulation by the state engineer.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

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

Amendment No. 282.

Amend sec. 6, page 2, line 43, by deleting the bracket.

Amend sec. 6, page 2, by deleting line 44 and inserting: "Union. He is authorized to purchase".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 369.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 217.

Bill read second time and ordered to third reading.

Senate Bill No. 301.

Bill read second time.

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

Amendment No. 259.

Amend section 1, page 1, line 3, after "*securities*" by inserting: "*in the amount of $10,000,000 or more*".

Amend section 1, page 1, line 15, after "*better*" by deleting "*or*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.
Bill read third time.
The following amendment was proposed by Assemblyman Scherer:
Amendment No. 341.
Amend sec. 9, page 5, line 39, by deleting "for towing" and inserting: "[for] towing".
Amend sec. 9, page 5, line 44, after "*vessel*" by deleting "*for*".
Amend the title of the bill, fifth line, after "vessels" by deleting "for".
Assemblyman Scherer moved the adoption of the amendment.
Remarks by Assemblyman Scherer.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 333.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 333:
YEAS—42.
NAYS—None.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Joint Resolution No. 11 be taken from the Chief Clerk's desk and re-referred to the Committee on Labor and Management.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:
Assembly Bill No. 502—An Act relating to the judicial system; requiring under certain circumstances a justice of the peace to appoint a person from a substitute panel of justices of the peace to serve as justice of the peace pro tempore; requiring the chairman of a board of county commissioners in certain circumstances to make the appointment; and providing other matters properly relating thereto.
Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.
Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 503—An Act relating to political parties; requiring the officers of a county central committee to be elected at the county convention; requiring the officers of a state central committee to be elected at the state convention; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Wendell Williams, Gregory, Hardy, Krenzer, Bache, Humke, Arberry, Giunchigliani, Wong, Gibbons, Bennett, Johnson, Evans, Haller, Porter, Callister, Petrak, Price, Anderson, McGaughey, Scherer, Goetting, Lambert, Spitler, McGinness, Garner, Bayley, Carpenter and Norton:

Assembly Bill No. 504—An Act relating to firearms; providing a criminal penalty under certain circumstances for providing a minor access to a firearm; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 190 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 190.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 330.

Amend sec. 12, page 6, line 31, after "*legislator*" by inserting: "*or other public officer*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REMARKS FROM THE FLOOR

Mr. Speaker requested that Assemblyman Price's remarks be entered in the Journal.

Mr. Speaker, thank you. To you and through you, to this honorable body and our guests. Unfortunately, as the saying goes, "Men make plans and God laughs."

Today, we have two of our very own people from right here in the legislature, flying in from the Persian Gulf. One of our members, Assemblyman Jim Gibbons and the other, Chuck Chinnock, whose wife is one of our employees. Chuck has worked with this Legislature for all the years that I have been here from when he was with the Department of Taxation.

Some people may or may not realize that these two pilots along with the others of the High Rollers in Reno, were the very first people to put their lives on the line flying into Iraq. Their job was flying F-4's. They took pictures of the targets and then returned to take pictures of the damage afterwards. They even preceded the Stealth Bombers, who are also pilots from Nevada. They even preceded these people and went in and took the first pictures and, of course, were very successful during the war. To this point in time, we have only lost one plane with no loss of life to our pilots. That was unrelated to the war—they were coming back from a mission and had some type of failure.

Anyway, today we have all of our friends here from the Nevada PTA, probably the only legitimate organization that for years has been working on the behalf of our children in education. They are here to visit with us and to talk about the problems and the needs of our children and education. And yet, at the same time, we have legitimate war heroes and, unfortunately, once in a while we have a war. It is something you can't plan for and it is something you don't want. Here we had our own people volunteer. You know, there are a thousand people in that unit of the High Rollers of which I am proud. My wife happens to be one of them. Six hundred volunteered for duty on the first day. They called for volunteers and Gibbons and Chinnock were among those selected.

Of course, what went on is all a matter of history now. It is still ongoing to some degree. They are coming home today. While it is hard to set priorities, the PTA has been one of the strongest supporters. I would like to talk to you just for a moment to see if there are any of you that would like to go to the airport to greet these folks.

Unfortunately, the time is in absolute conflict so there is nothing that can be done about that. I had made arrangements. We have a 24-person bus, 3 twelve-person buses, a 15-passenger van and a 7-passenger van and some of us have our cars, etc. If you could see in your hearts that you might take time, even though the luncheon is planned and go with us, we are going to leave here at 11:30 and we should be back about 1:45 to 2:00. I called the General a short while ago and he told me they took off on time. They were flying in from Indiana and it looks like they will be right on the minute getting in. Come with us and greet our war heroes. You would have an opportunity going and coming to lobby as there will be legislators sitting next to you, and I have to tell you honestly, I think there are going to be a lot of people, press, etc., and it would be wonderful to show that the PTA was down there also, even on a last minute change, greeting our own war heroes coming home. I would like to invite any of you, as many that might like to come with us to greet our heroes coming home.

Those of you who have been planning this, probably for two years, to come up and lobby and talk to us and have gone to the expense, I know a little about that. We, through our committee and occasionally individuals, have to make guarantees for meals, etc., and that is always a problem. And to what small extent it will help, Mr. Gaston, are you listening, I'm going to give you a $100 check to help offset any losses. That will pay for my meal and a few of the people that don't make it. I think that the goodwill along with the lobbying that you are doing today will be well taken. This just happens to be one of those tough times in our life where we are all happy because our guys are coming back safe but we are unhappy that you may think that we are something less than responsible when we go to meet them. My colleague over here is telling me to cut it off. So, anyway, anybody that wants to go, we would love to have you.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 60, 116; Senate Bills Nos. 66, 131; Assembly Concurrent Resolution No. 6; Senate Concurrent Resolution No. 33; Senate Joint Resolution No. 3 of the 65th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Michelle Gach and Sally Wilson.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dana Asay and Sue Marsaw.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Paula Russell and Linda Sanders.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cindy Katz.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Olivia Weise, Elizabeth Beltrami and DeAnna Magnuson.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Debbie Smith and Fran Herb.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Andy Sedillo.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathy England and Cathy Peterson.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ruth Apple and Beverly Platt.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Cegavske and Linda Kemp.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Maus.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathy Hafen, Joella Brailsford and Kathi Allen.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ellen Vallandingham, Joan Zadny and Nedra Bean.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Tiana O'Connell and Sandy Blancey.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Claudia Milligan and Linda Scribner.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Nancy Mertz and Mr. Steve Kaylor.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda O'Brien and Marla Edwards.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Ackeret.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Judy Pannell and Constance Fimby.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rick Harrison and Mrs. Jana Harrison.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Cullings and Judy Baumgartner.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Rhea Miner and Dixie Worden.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nancy Thacker and Joyce Haldeman.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda Carson and Penny Yamamoto.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Rhonda Bruick and Mr. Rodney Wiedenkeller.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amy Brock and Mr. Dale Rausch.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cindy Staggs, Cindy Foley and Jean Andrews.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sue Wesolowski and Karen Davis.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shelly Montgomery and Gwen Bulicz.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 10, 1991 at 10:00 a.m.

Motion carried.

Assembly adjourned at 11:15 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 10, 1991

Assembly called to order at 10:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Ariel Arias.

Let us pray. Heavenly Father, watch over the members of the Assembly who have come together this day to work in peace and friendship. Guide them in their decisions for the good of the people of Nevada. We ask this grace in God's name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 44.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Freeman:

Assembly Joint Resolution No. 16—Condemning the violence inflicted by troops of the Soviet Union against the people of the Baltic States of Lithuania, Latvia and Estonia and urging President Bush and Congress to take diplomatic action in support of freedom for the Baltic States.

Assemblyman Freeman moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 505—An Act relating to the City of Las Vegas; amending the city charter to change the date on which newly elected members of the city council assume office; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 247.

Amend sec. 2, page 1, line 3, after "*commissioners*" by inserting: "*or the governing body of an incorporated city*".

Amend sec. 2, page 1, line 4, after "*county*" by inserting "*or city*".

Amend sec. 2, page 1, by deleting line 12 and inserting: "*sentence intermittently, shall:*

*(a) Establish the conditions of the intermittent sentence; and*

*(b) Determine in a separate civil proceeding pursuant to section 3 of this act the amount of the fee to be paid.*".

Amend sec. 3, page 1, line 13, by deleting "*sheriff or*".

Amend sec. 3, page 1, line 19, by deleting "*sheriff*" and inserting "*court*".

Amend sec. 4, page 1, line 21, by deleting "*sheriff*" and inserting "*court*".

Amend sec. 4, page 1, line 23, after "*county*" by inserting "*or city*".

Amend sec. 4, page 1, by deleting lines 25 and 26 and inserting:

"*2. If a prisoner fails to pay the fee determined by the court pursuant to section 3 of this act, the board of county commissioners or governing body of the incorporated city may apply to the court for judgment for the arrears and the*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 319.

Amend section 1, pages 1 and 2, by deleting lines 5 through 17 on page 1 and lines 1 through 6 on page 2 and inserting: "*show that he served on active duty in the military service of the United States during Operation*

*Desert Shield or Operation Desert Storm in the crisis in the Persian Gulf region following the invasion of Kuwait by Iraq in August of 1990 and that he:*

*(a) Was graduated from a high school in Nevada or received an equivalent degree in Nevada; or*

*(b) Was a bona fide resident of Nevada for at least 1 year immediately preceding the date that he was enlisted into the Armed Forces of the United States of America, as evidenced by any of the following:*

*(1) A driver's license which was issued to him by the State of Nevada and which was valid for that period;*

*(2) A motor vehicle registration which was issued to him by the State of Nevada and which was valid for that period;*

*(3) One or more telephone directories which list his name and an address in Nevada for that period; or*

*(4) Any other proof of genuine residency for that period which is acceptable to the board of regents*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 20.

Bill read second time and ordered to third reading.

Senate Bill No. 27.

Bill read second time and ordered to third reading.

Senate Bill No. 111.

Bill read second time.

The following amendment was proposed by Assemblyman Freeman:

Amendment No. 339.

Amend section 1, page 1, line 8, by deleting "*concurrence*" and inserting "*approval*".

Amend sec. 2, page 1, line 14, by deleting "*concurrence*" and inserting "*approval*".

Amend sec. 3, page 1, line 23, by deleting "*concurrence*" and inserting "*approval*".

Amend the title of the bill, fourth line, by deleting "concurrence" and inserting "approval".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Assemblyman Freeman moved that Senate Bill No. 111 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 369 be taken from the General File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 164:

YEAS—42.

NAYS—None.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 425:

YEAS—41.

NAYS—None.

Not voting—Mr. Speaker.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblymen Anderson, Elliott and Giunchigliani.

Roll call on Senate Bill No. 211:

YEAS—42.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 217:

YEAS—42.

NAYS—None.

Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing the Westergard Elementary School Choir.

Assembly in recess at 10:37 a.m.

## ASSEMBLY IN SESSION

At 10:50 a.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1985), requested by the Committee on Natural Resources, Agriculture and Mining, be introduced by individual assemblymen.

Remarks by Assemblyman Freeman.

Roll call on Assemblyman Freeman's motion.

YEAS—31.

NAYS—None.

Absent—Arberry, Bennett, Garner, Kerns, McGaughey, Norton, Petrak, Porter, Scherer, Spriggs, Wong—11.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:56 a.m.

## ASSEMBLY IN SESSION

At 11:01 a.m.
Mr. Speaker presiding.
Quorum present.

### REMARKS FROM THE FLOOR

Assemblyman Wendell Williams requested that Assemblyman Heller's remarks be entered in the Journal.

Thank you, Mr. Speaker. Order of Business 15. If I could have the gentleman next to me stand up. I know that we are in somewhat of anticipation of the return of our former colleague, Mr. Gibbons, but I have here today another war hero in our midst.

I don't really know where to start since Kenny and I went to high school and college together. We both attended the University of Southern California. Kenny was a Cobra Pilot with the Marine Light Attack Helicopter Squadron 367 based at Camp Pendleton, California. He was a pilot and he did fly into Kuwait with laser-guided missiles and anti-tank missiles. He put his life on the line for us. This really is a pleasure for me. He came into my office yesterday for the first time. I had not seen him for quite a while. When he showed up, I saw him in his uniform and his new hair cut. I looked at him and said, "Kenny, I can't believe you are a Captain in the Army right now." He looked at me and said, "I can't believe you are my Assemblyman."

Kenny was the manager and trainer on the football and basketball team when I was in high school. I teased him a lot about me being his hero. I will admit to this day and forever more that Kenny will be my hero.

Just as a little bit of history and maybe for you, Mr. Speaker, you remember his mother, Terry. She served as the Chief Clerk and predecessor to Mrs. Landing. She served as Chief Clerk for Senator Jacobsen and also worked under Governor Laxalt. It is my privilege today to introduce Captain Kenny Loy.

Thank you again, Mr. Speaker. I wasn't going to do this. I think I had better set the record straight. Captain Kenny is in the Marines. He is not in the Army. Maybe you have just called me a Boy Scout.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 151, 166, 175; Senate Bills Nos. 5, 25, 220; Assembly Concurrent Resolution No. 43; Senate Joint Resolution No. 6.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to students of the Dayton Middle School, Dayton: Chris Grischott, Robert Sapargo, Mike Franklin, Nick McLeaan, Moses Shepard, Jason Kopack, Cory Breckenridge, Darlene Alvarado, Shelly Miracle, Sarah Harris, Jessica Walker, Matt Kitchens, Chuck Strong, Brian Simmons and Brandon Tison.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Fabri, Simms, Messrs. Mac Schopen, David Serna, Aaron Styer, Nolan Turner, Ms. Shea Smith and the following students from Peavine Elementary School, Reno: Kevin Baker, Theresa Benedetti, Michael Carthen, Brianne Cotter, Shayda Ebrahimi, Brooke Garner, Tyson Johnson, Erick Lamun, Laura Miller, Kent Millward, Jamie Souders, Jennifer Berglund, Molly Bernardi, Christian Christensen, Leah Finke, Brooke Glassco, Jennifer Hyatt, Jody Lacher, Gordon Magnin, Kevin O'Fallon, Bryan Patterson, Kendra Peterson, Jason Price, Juan Rodriguez, Sarah Thomas, Nicholas Van Woert, Matthew Young, Nicole Alberti, Gerard Bartolome, Julie Bickett, Zach Boone, Lawrence Cary, Sean Cox, Shaw Ebrahimi, Loretta Eizaguirre, Brad Glassco, Bubba Henderson, Vanessa Jordan, Cynthia Keith, Sharon Kelly, Barbara Lara, Suzanne Lawson, Zosza Lefevre, Jacob Lesselles, Heidi Lysdal, David Mata, Ben Mathews, Ryan McKay, Kristina Miller, Mileny Montoya, Martin Norris, Jose Origel, Sera Pears, Kristal Peppard, Paul Pipitone and Sarah Romney; Ms Patty Dickens, Mr. Bob O'Lafont and the following members of the Westergard Elementary School Choir: Sara Horn, Julie Kass, Mon Wei Kuo, Adam Nicely, Robyn Voss, Jamie Teslau, Ryan Farrington, Kris Klinger, Jacqueline Jeanney, Ashley Priddy, Stacy Clark, Josh Gavrich, Michelle Teal, Elizabeth Torres, Kelly Wetzler, Amanda Wiler, Dominic Aiazzi, Debbie Ballesil, Annie Caires, Sara Cushman, Kristine Snyder, Chris Sotoodeh, Kirsten Templeton, Ryan Aiazzi, Tiffany Story, Meghan Coleman, Aaron Dickens, Natalie Park, Teresa Haggard, Jason Pond, Breanne Glensor, Tim Hull, Alison Jones, Chessa Renoe,

Taryn Runge, Jennifer Tiehm, Justin Galli, Amanda Matlock, Jennifer Stewart, Rob Tese, Brandon Wolfe, Ryan Aeschlimann, Diana Chai, Michelle Glazner, April Meservy, Sahit Rawat, Tony Martin, Chrissy Tese, Cindy Tyner, Edward Fries, Dietra Moore, Marina Yoesle, Robert Miner and Kim Snatic.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Ken Loy.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Virginia Robertson.

Assemblyman Evans moved that the Assembly adjourn until Thursday, April 11, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:02 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 11, 1991

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Ariel Arias.

Let us pray. Blessed are You, Lord God, maker of the universe and Father of all. Guide the members of this Assembly and help them to serve Your people. Bring success to their work and reward them for the good they do. Blessed are You, Lord, for ever and ever. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Education.

VAL Z. GARNER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 492 be re-referred to the Committee on Education.

Motion carried.

Assemblyman Garner moved that Senate Bill No. 301 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 76 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 393 be returned from the printer.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Wendell Williams moved that the action whereby Assembly Amendment No. 319 to Assembly Bill No. 393 was adopted be rescinded.

Remarks by Assemblyman Wendell Williams.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 288, 357.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 21, 31.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 32, 231.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nevin, Vergiels and Rhoads as a first Committee on Conference concerning Senate Bill No. 118.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Dini, Marvel, Stout, Petrak, Carpenter, Bennett, Elliott, Krenzer, Little, Kerns, Wendell Williams, Wong, Johnson, Price, Arberry, Gregory, Callister, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Sader, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Garner, Evans and Porter:

Assembly Concurrent Resolution No. 45—Memorializing Washoe County deputy sheriff, Lieutenant Glenn Barnes.

WHEREAS, It is with sincere regret and sadness that members of this legislative body learned of the recent, untimely death of Lieutenant Glenn L. Barnes; and

WHEREAS, Glenn L. Barnes was born in Reno on February 11, 1950, and attended Reno schools, graduating from Wooster High School in 1968; and

WHEREAS, After attending the University of Nevada where he was a member of Lambda Chi Alpha Fraternity, Glenn Barnes worked as a Reserve Deputy Sheriff from 1973 until 1975, joining full time in September 1975; and

WHEREAS, While Glenn served as a deputy sheriff he was assigned to the Detention Division, the Incline Village Substation, the Reno Patrol Division, and the Detective Division; and

WHEREAS, In February 1988, Glenn Barnes was promoted to Lieutenant and for his outstanding investigation skills he received the Washoe County Sheriff's Office Meritorious Service Medal; and

WHEREAS, Glenn Barnes was the commander of the Washoe County Sheriff's Office Reserve Deputy program, and during the last 18 months he was the Search and Rescue Coordinator, working as commander of all search and rescue units which include the Washoe County Sheriff's Hasty Team, Washoe County Search and Rescue, Washoe County Sheriff's Mounted Posse, Washoe Jeep Squadron, Washoe County Sheriff's Air Squadron and Snowmobile Search and Rescue; and

WHEREAS, Glenn Barnes was involved in fundraising for the "DARE" program and was a Boy Scout troop leader in Reno for Boy Scout Troop One; and

WHEREAS, Glenn Barnes will not only be missed by his friends and officers he was associated with, but his wife of 20 years, Diane, his daughter Jennifer, and his son Brian have suffered a tragic loss; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature is deeply saddened to have lost Lieutenant Glenn L. Barnes at such an early stage of his life but is thankful to have had his leadership abilities and high moral standards shared with those who were acquainted with him throughout his life; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Glenn's loving wife, Diane.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons, Kerns and Humke.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. Glenn Barnes was born in Reno, February 11, 1950. As a youngster, he was active in Boy Scouts and Little League. He loved all sports and spent many enjoyable hours shooting baskets or playing catch with his two brothers or waterskiing behind the family boat. He attended Vaughn Junior High School where his favorite activities included pole vaulting and playing basketball. During his high school years at Wooster, he played football and basketball until knee injuries forced him to the sidelines. He graduated from Wooster in 1968. He attended the University of Nevada and was a member of the Lambda Chi Alpha Fraternity.

In June, 1970, he married his high school sweetheart, Diane. At that time, he was employed as a title officer for a local title company, having worked his way up from file clerk. His future in the title business looked bright. As soon as he became head of the title department, company executives asked him to consider moving to San Francisco as another step up.

The move was never to take place. Glenn joined the Washoe County Search and Rescue in 1971. He took part in many searches and felt a great sense of pride in being able to serve his community in this way. Through the Search and Rescue, he also gained an undying love for the beauty of the outdoors—from the hot springs near Gerlach to the majesty of the mountain lakes. He took many jeep trips into the Rubicon, never tiring of the magnificent beauty surrounding him.

He became a father in 1972 and again in 1974. His children became a major focus of his life. As they grew older, he was always thinking of them and what he could do to make them happy and see to it that they had a good life. Family outings and vacations were always planned with Jennifer and Brian in mind. Glenn became involved in Boy Scouts to be near his son and insure that Brian would have the many positive experiences offered in scouting. One of Glenn's proudest moments was seeing Brian earn his Eagle Scout award. Glenn was equally proud of his daughter, Jenny. She earned excellent grades in school and seemed to get along with everybody she met. Jenny acquired Glenn's love for waterskiing and he was happiest when he was pulling her behind his boat while she slalom-skied. Glenn was also very proud of his wife, Diane. He encouraged her to go back to graduate school for her Master's Degree, despite her objections. He knew it would be difficult for her, teaching full time and taking classes at night while she had two children at home. But he had the utmost confidence in her and because of his support and encouragement, she achieved her goal.

Shortly after the birth of Brian in 1974, Glenn became a member of the Reserves for the Washoe County Sheriff's Department. He gave many hours of service to the Department, enjoying all of it and again, feeling that sense of pride in serving his community. He became a regular on the Department in 1975. He worked in the Detention, Patrol and Detective Divisions before becoming a sergeant in the Detective Division. Glenn worked in Detectives for 10 years bringing many difficult cases to a successful conclusion. After being promoted to lieutenant, he was transferred to the Patrol Division where he worked until he was assigned as Search and Rescue Coordinator. He held this position until his untimely death on March 19, 1991, at 40.

Glenn Barnes set an example that all of us could follow. He was a hard worker who wanted to give something back to a community that had given something to him. He was a

life-long Nevadan. He was a dedicated and loving father and husband who placed his family foremost in his thoughts and actions. He was a true friend to many, always willing to help and give of himself. Glenn will surely be missed by many.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I don't think that we can say too much more about Glenn and the tremendous things he did for this community. I think probably there are very few persons in the Reno area of Washoe County that weren't touched by Glenn's activities at one time or another. The years he spent in all these different organizations—he was very dedicated. Glenn was here about a month or five weeks ago, on a bill testifying for the Search and Rescue and was very dedicated to everything he did.

My knowledge and knowing of Glenn goes back a long way. I served for 25 years with Glenn's father in the Reno Fire Department and Steve used to bring the boys down to the firehouse. I think maybe at that time they all wanted to follow Dad and be firefighters. Glenn somehow got led astray and got with the Police Department. We can't hold that against him. He did a good job there. Unfortunately, Glenn's father passed away last year. Steve had spent close to 30 years on the Fire Department. The whole Barnes family, we could safely say, dedicated their lives to all of you. I think the honor we are giving Glenn here today is well-deserved. I would just kind of like to add the name, Steve Barnes, to all the honors that are being handed out here today, in memory of his father also. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I would like to say just a couple of words to highlight what was said by the Representative from District 23. Glenn spent a lot of time trying to not just catch bad guys, which is the primary mission of the Sheriff's Office, but he also tried to make life better for all of us through his work on the Search and Rescue Squadron. He saw a need to improve survival skills. I believe he was primarily responsible for starting a program working with the Washoe County School District. I know that when my daughter was in sixth grade, we participated in their Survival Skill day in which the children had to hike up a mountain, build a shelter, prepare a meal and practice surviving. I think it was very worthwhile and, no doubt, has saved a number of lives in the Sierra Nevada. Thank you.

Resolution adopted unanimously.

Assemblyman Gibbons moved that all rules be suspended and that Assembly Concurrent Resolution No. 45 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:29 a.m.

## ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 506—An Act relating to taxation; requiring the adjustment of the supplemental city-county relief tax distribution factors of Elko and Eureka counties; providing for an increase in the allowed revenue from taxes ad valorem of local governments adversely affected by the change in supplemental city-county relief tax distribution factors; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 507—An Act relating to taxation; authorizing the governing body of an Indian reservation or colony to impose an excise tax on any products made from tobacco other than cigarettes which are sold on the reservation or colony; prohibiting the department of taxation from collecting the excise tax imposed by the state on cigarettes or other products made from tobacco which are sold on an Indian reservation or colony under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Freeman, Bache, Haller and Anderson:

Assembly Bill No. 508—An Act relating to educational personnel; establishing requirements for school nurses; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 21.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 31.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 329.

Amend section 1, page 1, by deleting line 7 and inserting: "examination with [a] *an average* score of at least 80 [;] *, comprised of a minimum score of at least 75 on each part of the examination;* ".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 319.

Amend section 1, pages 1 and 2, by deleting lines 5 through 17 on page 1 and lines 1 through 6 on page 2 and inserting: "*show that he served on active duty in the military service of the United States during Operation Desert Shield or Operation Desert Storm in the crisis in the Persian Gulf region following the invasion of Kuwait by Iraq in August of 1990 and that he:*

*(a) Was graduated from a high school in Nevada or received an equivalent degree in Nevada; or*

*(b) Was a bona fide resident of Nevada for at least 1 year immediately preceding the date that he was enlisted into the Armed Forces of the United States of America, as evidenced by any of the following:*

*(1) A driver's license which was issued to him by the State of Nevada and which was valid for that period;*

*(2) A motor vehicle registration which was issued to him by the State of Nevada and which was valid for that period;*

*(3) One or more telephone directories which list his name and an address in Nevada for that period; or*

*(4) Any other proof of genuine residency for that period which is acceptable to the board of regents.*

*For the purposes of this section, a period during which a person is temporarily stationed in Nevada as a result of military assignment to this state must not be considered when determining whether the person is a bona fide resident of this state.*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 156:

YEAS—42.

NAYS—None.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 165.

Bill read third time.

Remarks by Assemblyman Little.

Roll call on Assembly Bill No. 165:

YEAS—42.

NAYS—None.

Assembly Bill No. 165 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman Garner.

Assemblyman Garner requested that his remarks be entered in the Journal.

Assembly Bill 173 declares that it is the policy of the State of Nevada to encourage and promote the use of effluent water, where this is not contrary to the public health, safety and welfare, and where the use does not interfere with federal obligations to deliver Colorado River water.

The bill also removes the concurrent authority of the Colorado River commission to act upon applications for subsequent appropriation of effluent or recharged water which contains water originally appropriated from the Colorado River. Thus, this authority rests solely with the State Engineer.

The measure further clarifies that applications for the original appropriation of Colorado River water are made to the Colorado River commission. The commission's action on this type of application constitutes the recommendation of the State of Nevada to the United States for any federal action on the matter.

Finally, the bill directs the Colorado River commission to furnish the State Engineer with copies of all agreements entered into by the commission relative to the original appropriation of Colorado River water, as well as any other information deemed necessary by the State Engineer to allow him to act upon applications for subsequent appropriation of these waters.

Assembly Bill No. 173 is a product of the interim study of water and waste water resources in Nevada. In addition to declaring the state's policy relative to the use of effluent, the goal of the measure is to clarify that the Colorado River commission is responsible for Nevada's actions concerning applications for the original appropriation of Colorado River water, and the State Engineer is solely responsible for acting upon applications for the subsequent appropriation of these waters.

No legislative action associated with this bill should be construed as limiting the State Engineer's sole authority to act upon applications for the subsequent appropriation of

water originally appropriated from the Colorado River, nor should any legislative action be construed as requiring permits under Chapter 533 of NRS for the original appropriations of Colorado River water.

Because of the complicated nature of the state and federal relationships relative to waters of the Colorado River, I would request that my comments on this bill be recorded in today's Journal.

Roll call on Assembly Bill No. 173:

YEAS—42.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Elliott, Pettyjohn, Sader, Stout, Spriggs, Scherer, Porter, Kerns, Carpenter, Evans, Gregory, Haller, Price, Giunchigliani, Freeman and Petrak.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Assembly Bill 190 is a comprehensive ethics commission bill. It changes the state law concerning ethics in government.

It allows the Commission on Ethics to issue subpoenas compelling the attendance of witnesses and the production of books and papers.

A government contract, lease or grant entered into in violation of the ethics in government law is voidable by the state, county, city or town. A public officer or employee is prohibited from soliciting, accepting or receiving an honorarium in conjunction with his public office or employment.

The Commission on Ethics, within the limits of the legislative appropriation, is required to employ such persons as are necessary for administrative purposes, the review of financial disclosure statements and the investigation of matters under its jurisdiction.

The bill requires the Commission to make such investigations as are necessary for the rendition of its opinions. Adherence to the Code of Ethical Standards is made mandatory for public officers and employees. Currently, the Code of Ethical Standards listed in state law serves only as a guide for the conduct of public officers and employees. Three new provisions are also added to the code which prohibit the improper use of public office or employment for personal benefit or gain.

Current law allows the state legislator or other public officer, whose public service requires less than half of his time, to represent or counsel for compensation a private person before a public agency in which he does not serve. Section 12 of the bill provides that, not later than January 10 of each year, a legislator or other public officer must disclose each such representation or counseling over the preceding year. The section also provides a one-year "cooling off" period for a former public officer or employee before he may receive compensation for representing or counseling a private person concerning an issue which was under consideration by his former agency during his service. Finally, the section specifically prohibits certain representation and counseling services for compensation by full-time public officers and employees of the state, county and city government.

State law concerning the action or vote of the state legislator, public officer or employee on a matter in which he has a certain interest is clarified and strengthened. Among other things, greater public disclosure before voting is required, and the relative benefit or detriment accrued by a legislator because of his vote is clarified.

The Commission is allowed, upon request of a public officer or employee who is seeking an opinion on a matter of ethics, to hold a public hearing regarding the requested opinion. An opinion may not be issued on a matter initiated by the Commission unless the public officer or employee in question is extended the opportunity to appear and present evidence and arguments. If an opinion relates to the propriety of present or future conduct by a public officer or employee, the opinion of the Commission is binding upon the requester and final, subject to certain judicial review.

A public officer or employee who willfully violates certain ethics provisions is liable to the State of Nevada for a civil penalty, as determined by the Commission, of up to $5,000 for each violation.

State law concerning the filing and contents of statements of financial disclosure required of candidates and public and judicial officers is clarified and strengthened. Among other things, all gifts of $100 or more must be reported unless received from certain family members or business associates. The Commission on Ethics and the appropriate county and city clerks must retain statements of financial disclosure. Currently, only the Secretary of State is required to maintain these statements.

The expenditures for personal use of unspent campaign contributions received by a candidate for public office is prohibited, and the disposition of any unspent campaign contributions is specified. The bill also provides for the reporting by a public officer or former candidate of unspent campaign contributions and their disposition.

This comprehensive revision of Nevada's governmental ethics laws was initiated by the Commission on Ethics. Several public hearings were held on this topic, both before and after the introduction of A.B. 190. This measure is the cornerstone of ethics and campaign reform legislation under consideration by the 1991 Nevada Legislature.

At the time A.B. 190 was brought down to the floor, we placed it on the desk for 48 hours to give everyone time to read it. There was one recommendation made for an amendment and that was by one of my colleagues from Clark County. It was correct, in my opinion. As presented, the bill singled out state legislators. The amendment that we adopted, which is contained in the second reprint, makes it clear that this applies to all public officers. This is an important bill.

We urge your support of A.B. 190.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. While this bill does have merit, I have some objections to it. Also I would like to let people know I am speaking totally on my own, not as a Republican, but as Joe Elliott, citizen down here. The Republicans are very much worried that in the papers they will be crucified as being against campaign reform and never was anything more untrue, nor is this man, myself, against campaign reform. But this bill boils down to a big money bill. What we have done here, if we pass legislation that is not crafted well and unskillfully—I would like to draw your attention particularly to Sections 21 to 23 which says that after you have campaign funds left over, you can't use any of those campaign funds later on for campaigning the next time around. At first thought, that's wonderful, that sounds very logical, but it is totally illogical for the small fry who happens to be winner or loser, because those people who are heavily money connected, that is, if they get back their money, they will have instant access to big money again the next time around; whereas the small fry guy who happens to get in on a fluke, like many of us here or somebody else, cannot have access and has to start from ground zero all over again, that's whether you won or not. Now let's take the scenario: We take a person who loses, big money connected; next time around we're going to bury this guy so they really hit the challenger and the present incumbent, the small fry, is spending all of his little time out there trying to raise money, or her little time out there. The reverse is true for the winner; if we have a person out there who is a candidate that lost, a small fry candidate who loses, then that person has to start from ground zero again, yet the incumbent has a direct line to big money, and that big money doesn't have any trouble raising his or her money.

Now I hear a great deal about public perception, and we've got to do things so the public perceives that we are doing things correctly—and I have already heard on this bill there is a way around it—so we are passing legislation that we are trying to figure out how

to get around, and it is dishonest, it is deceitful. We have got to quit trying to manipulate public opinion and start passing skilled, crafted, honest legislation, not legislation that is perceived and predicated on an idea of convincing the public that we are doing for them what is right. I have always been a believer in the truth, and believe me, the truth can hurt and it stings many times. But if we pass good legislation, solid legislation and honest legislation, I think the public will sense that, know it, and the perception will be proper.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District 10. I have a question concerning Section 21 and it pertains to existing office-holders who at the present time have campaign contributions which have been left over from previous elections. How does the bill provide for their disbursement of those funds back into the system, and how much time will they have to dispose of those funds which they now possess?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. If it is agreeable to you, I would like to have the Chairman of Judiciary answer in a most technical way. The Chairman of Judiciary worked very closely with former Senator Spike Wilson in crafting the language in this bill, and they were most careful about how they crafted it. So if the Chairman of Judiciary would respond.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. The real thrust of the question deals with the retroactive effect of this legislation. The maker of the question assumes that it has retroactive effect. I don't think it does have retroactive effect. The bill specifically deals with campaigns that take place on or after the effective date of this legislation which is prospective. Therefore, it is my view that campaigns which are already finished and contributions made in those campaigns are not affected by this bill.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I would like to rise in favor of this bill. When this was being formulated long before the election was over last year, I know I appeared in front of Spike Wilson's group and testified, as did many others, and this is sort of a fruition of what has come about from a tremendous need, at least in Clark County, of the obscene amounts of money that are left in people's campaigns. Whether the public perceives it as bad or not, I perceive it as bad, and I think that this has taken care of that. I have no ulterior motive to see this thing is passed except I think it is the beginning of some real good ethics that have been needed for a long time. I want it to be clear that I am not doing it for any ulterior motive except that I support a strong ethics bill, and this is one of them. Thank you.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I would like to ask a question, if I might, to the Chairman of Legislative Functions. I wasn't privy to the testimony, and I notice on the campaign contribution return the option of giving it to a charity has been removed. Since it is very repugnant to me to give any money to state or local government, other than the taxes I have to pay, I was wondering why that option was removed.

ASSEMBLYMAN SADER:

There were various suggestions for distribution of this money in other bills. This bill takes the position that the certain enumerated uses of the funds would be the only ones. I must suggest to you that I think contributions to charity would be a good use of the funds as well, but the bill is a compromise of many important issues, and that was one of the compromises I made in my own mind. To answer specifically the question, the testimony in committee against charities was that there are some charities which are shams, and it is very difficult to distinguish. The 501C3 designation of federal law in the income tax code doesn't necessarily distinguish them either, so in order to avoid the potential abuse of making contributions to sham entities and perhaps subverting the intent of the law, the answer is to exclude the opportunity altogether to contribute to charitable organizations.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in support of A.B. 190, and I would like the opportunity to respond specifically to the remarks of our colleague from District 37. I think it will be the rare day when the little guy has a substantial amount of money left over from a campaign that could potentially make a difference in the next campaign. I don't think this is a big money bill, with all due respect to him, and I think it is a very good piece of legislation. I think the public's perception and its confidence and trust in this institution is very important. With regard to the question about charities, I, too, agree it probably should have been included, perhaps school districts should have been included. There are a lot of pieces of legislation that come through here that I vote for that I might have written a little differently if I wrote them myself, but this is a process of compromise among the 42 of us in here. I think this is a very good piece of legislation as it is, and I urge my colleagues to support it.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Bill 190 and to echo some of the comments of my distinguished colleague from Assembly District 2. There have been references on the floor today, Mr. Speaker, that perhaps this bill was somehow dishonest and we are trying to figure a way around it and this is all some type of charade. I take extremely strong exception to that characterization. There have been questions raised about whether or not charities were considered. I would ask my colleagues to look at the first reprint of 190, Section 21, and compare it to the other reprints of 190, Section 21. You will find a minor distinction in subparagraph (c). Other than that, the language is as recommended by the State Ethics Commission. This is their language. It is not something the legislature dreamed up, this is not something the Chairman of Legislative Functions dreamed. This is an independent body appointed by the Governor, this is their recommendations that the Committee on Legislative Functions chose to pass virtually intact. The suggestion that that process was somehow tainted, I would challenge the previous speaker to document, and as for the references that we have somehow tried to figure a way around it, I challenge that to be documented. I have heard none of that discussion in these halls or in these chambers. I would urge my colleagues to endorse Assembly Bill 190 wholeheartedly, as we have been requested to do by an independent body charged with governing our own independent conduct. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. Through you and to the members of this body, there have been a couple of comments made here about obscene contributions. The only change is going to be from the obscene contributions that you've got, to the obscene amounts of money that will be spent on your campaign if you know you can't hold it over to the next one. That will probably take care of most of your money, and I am sure your campaign managers will love that. To my colleague from District 37, I think I have mentioned this to him before, a lot of times facts have nothing to do with the things we do here, most of the time they do, fortunately. In speaking of ways to get around, I would like to ask the Chairman of Judiciary, in Section 21, paragraph 2(c), it says, "Designate and reserve a specific amount of money for the payment of expenses directly related to his public office...". I am not sure there is anything to designate what direct expenses to public office are. I might ask a question, if I had $25,000 left over in my campaign and I designate $25,000 as money that I plan on spending pertaining to my office for the next two years; and at the end of that two years when it comes time for the campaign to start, I say, "Whoops, I didn't need but $5,000 of that." What happens then, what happens to that $20,000?

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. Well, you can't use the money for personal use, and you can't use if for any other use than those indicated in the bill. So if you have money left over which you did designate in reserve for public uses which is not needed for that purpose, then you are still under an affirmative obligation, as excess contribution funds, to use it for one of these purposes. Now the concept that you could intentionally subvert the intent of the bill by designating a much larger amount of money than you could use is potentially

there, but certainly would not stand the scrutiny of public disclosure, nor would there, I would suggest, be an opportunity to do that more than one campaign since that kind of money obviously mounting up would indicate an intentional attempt to subvert the intent of the law.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. The points that I'd like to make, I think have already been made, but I really think that you should be able to donate these unused campaign funds to charities and I think that you should be able to use these funds on another campaign. I think that's why the people gave them to you, for you to use on your campaign. I think if we don't do that, why we're passing some legislation here that is wrong. Now in my particular case last time, I didn't have any opposition, and I had all kinds of checks coming into me. I don't know why. I figured I didn't need them because I didn't have a campaign, so I felt it was really unethical to keep those funds, so I sent them back. I didn't take any money for my campaign because I didn't need any. You talk about public perception, not one time did anybody say, "Boy that Carpenter; he's a great guy. He didn't take any money." I didn't hear anything about it, so I think you're caught between a rock and a hard spot if you do something that's right, you're not going to get any credit for it. But if you do something a little wrong, they're sure going to catch you for it. I really hate to see a bill like this go out of here with these things that I see as a major flaw in them.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I'm also rising in support of A.B. 190. What we've been focusing on an awful lot is one section of the bill. I do understand the controversy. I would also like to direct your attention though to many other sections that I think help clarify the parameters of ethical conduct. I, myself, had occasion to call upon the Ethics Commission. I asked for a hearing last year relative to my service on the Ways and Means Committee, when I should be voting on certain measures or when I should be disclosing. I can say, had this bill been in place, all of my questions would have been answered, and I would not have had to seek their counsel. I do commend the Ethics Commission and Chairman Wilson for their hard work on this. I think it's going to help us in a multitude of ways.

ASSEMBLYMAN GREGORY:

Thank you, Mr. Speaker. To you and through you. I guess I'm somewhat surprised that we would raise such an issue when it's been such a high profile issue. On many occasions when I vote in this body, I have my constituency split, and many times need to make a decision. This is one case when I feel that I don't have a hard decision. I feel very confident that I can vote and support this legislation and feel that I support what my constituents would want me to do.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. I rise in support of A.B. 190. I can document the facts of a small-fry incumbent, non-incumbent, in my reports. I've been both, and I would have to tell you that I've never had money left over. I really do disagree and do have the documentation to prove that incumbency doesn't turn you into a financial tiger.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of the Ethics Commission's proposals. I, too, had the opportunity to attend some of the hearings they had prior to the election when they were formulating their suggestions to adopt this bill. Like most of the things that we do over the years, they're not always perfect. The nature of our business is to try and do things, then come back and improve on them and occasionally repeal them if we find that we have done something that was way out of line. Anyhow, the nature of our process is that we are very seldom able to make major changes that are perfect the first time around. I would urge my colleagues who have spoken against this, to be persuaded by the debate today, and to move this legislation forward with our blessing to this point. If errors are found or suggestions or changes are made in the Senate, take a look at them there. If we

have to come back next year or the year after to continue, then do so. There are many things that I would have liked to have seen including the charities that would be options for dispersal of the money, but of course I can honestly say I've never had that problem.

I would also like to respond to the initial comments of my colleague from the capitol district indicating that this was an incumbent's bill. I think that no matter what you do incumbency is always going to have some advantages, nothing less than name recognition. I think you would be in error to presume, as was mentioned, that simply because you received campaign contributions from someone, some industry or some group in an election or even in a series of elections going back that you are going to receive those campaign contributions in the next election coming up, which was the inference that was made. There's a lot of things that could change people's ideas about supporting you on one thing or the other. So, I think that is a presumption. With regard to being able to work around the legislation, I think almost anything we do—criminal legislation, government, in this case ethics—we're trying to do the best thing. If people are crafty or if people want to try and be dishonest, unethical, or whatever the case may be, those people who are clever enough will always find ways to get around the law for awhile, until they're caught and pay the price. I would like to mention at least, perhaps to the comfort of our colleague from Elko who thought that no one knew that he was returning his checks, I do recall someone asking me in Las Vegas during the campaign, "Who is that weird guy that's sending back campaign contributions up in Elko."

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of this legislation. I would like to bring back the focus. This is one piece of an ethics reform legislation, and this is the one piece that finally gives "teeth" to the Ethics Commission and that's really the main focus of this bill. While it does deal with campaign contributions and disclosure, which I appreciate having a better disclosure form which will finally be developed from this, it also bans honorariums. To state as a public employee, I'll feel much more comfortable because I'll know where the lines are and hopefully dispel people from saying, "How can you be a public employee and a public official." I think it gives us some boundaries that we're able to work with and will apply some consistency to that. Maybe, the best piece of it will cause the public to understand that the word "politician" is no longer a dirty word and possibly put what "poli" stands for "of the people," back into the legislature.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of this bill. It's true that it's not perfect, but if any of you have ever sat on a body where you have to decide ethical issues, it's not an easy job to do. I appeared at one of the Ethics Commission hearings and the questions that they grappled with are really very difficult. I cannot, for the life of me, understand why anyone would vote against this bill. I consider it a good bill, an honest effort, and I intend to support it.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I wish I knew John Carpenter about a year ago, when he had all this money. Very seriously, I attended the Ethics Commission meetings and testified at a couple of them. I think that what they were trying to do at those meetings was try to find out exactly what the public throughout the state wanted as far as the performance of their legislators go. I think they came up with an excellent bill which I am 100 percent in support of. I would like to say that this is a government of the people, and by the people, and for the people. Our job, I think, with this legislation will help restore a particle of confidence back into the 1.2 million that we represent in this state, and I think it's great. I urge your support of this.

Assemblymen Callister, Arberry and Evans moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 190.

Roll call on Assembly Bill No. 190:

YEAS—40.

NAYS—Carpenter, Elliott—2.

Assembly Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 20.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 20:

YEAS—42.

NAYS—None.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 27.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 27:

YEAS—42.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 32, 231; Assembly Concurrent Resolution No. 44.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shirley Fielding, Roseanne Campbell, Lisa Sipperley, Lola Childs, Gerry Cooper, Margaret Pursel, Maxine Hansen, Mildred Matheus, Helen Carter, Phyllis Matheus, Mary Boatwright and Pat Gable.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ernie Jesch.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Lee W. Bergevin.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Alice Ertel, Socorro Bravo, Dina McKenzie, Dianna Nelson, Barbara Sobol, Diane Wright, Terry Feiner, Margaret Vornberg, Pamela Gullickson, Carol Lytle-James, Alex Lapasaran, Karen Wood, Chris Fry, Bobbeye Bowes, Rosemary Puetz,

Nancy Zabel, Lori Cole, Terese Hedden, Sharon Wallace, Deborah Cole, Donna Young, Chris Jordan, Terri Johnstone, Wendy Smedes, Debra Young, Alice Maxfield, Beth Bomberger, Theresa Nelson, Deanna Nelson, Pamela Gerbis, Lawrence Flerchinger, Pamela Morse, Felicia Ekechukwu, Denise Meehan, Rochelle Sorrell, Judy Carson, Jacelyn Duffy, Diane Calderson, Cory Sobrio, Stacey Hudson, Leah Fisher, Chris Veach, Millie Harmon, Marty McNabb, Cheryl Parlen, Shannon Hurick, Cindy VanBiber, Gail Barger, Unda Mount, Audrey Peters, Lie Rush, Michele Harris, Gibson, Messrs. Fernand Michaud and Jim Holtvoight.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Diane Barnes, Ms. Jenny Barnes, Messrs. Brian Barnes and Brent Barnes.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jenny Diaz.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dan Coppa.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jim Krupa, Jerry Cole, Mesdames Sandy Beam, Susan Balkenbush and the following students from Reno Christian Academy: Ellice Butler, Audrey Burns, Zanata Drayton, Anthony Puckett, Troy Coleman, Steven Holts, Charles Tillman, Lindsey Loher, Kacey Cox, Megan Jimmenez, Ginny Lakin, Tauni Kernan, Jeremy Nason, Jalen Krupa, David Talent, Steven Shelly, Melissa Beam, Brandon Balkenbush, Sarabeth Lakin, Jason Spicer, Alfred Butler, Jared Krupa, Jodi Baker, Casey Balkenbush, Joseph Balkenbush and Hannah Balkenbush.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Joseph Battaglia and Mrs. Orene Battaglia.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathleen Sakelaris and Jennifer Krier.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Patrick Paradis.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 12, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 12, 1991

Assembly called to order at 10:37 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Ariel Arias.

Let us pray. Father in Heaven, bless us as we gather today. Guide our minds and hearts so that we will work for the good of all people. Grant us light to know the needs of our community and the strength to make wise decisions. Father, we praise You, for You are God for ever and ever. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Select Committee on Corrections, to which were referred Assembly Bills Nos. 473, 474 has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 487; Senate Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 314, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 357.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 74, 250, 288.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 92; Senate Concurrent Resolution No. 13.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, April 12, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 39.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 473 be re-referred to the Committee on Judiciary.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 474 be re-referred to the Committee on Judiciary.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 353.

Amend section 1, page 1, line 18, by deleting "personal" and inserting "[personal]".

Amend the title of the bill, second line, after the semicolon by inserting: "clarifying the type of property to which the exemptions apply;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 315:

YEAS—42.

NAYS—None.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 46—Directing the Legislative Commission to conduct an interim study of the responsibilities of the Health Division of the State Department of Conservation and Natural Resources and the Division of Environmental Protection of the Department of Human Resources concerning the development of property.

Assemblyman Garner moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:50 a.m.

## ASSEMBLY IN SESSION

At 10:57 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Senate Bill No. 292 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Spitler.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 292.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 509—An Act relating to programs for public employees; consolidating responsibility for the administration of certain of these programs; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 510—An Act making an appropriation to the state public works board for the Pioche railway/bicycle trail project; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 511—An Act relating to group insurance for public employees; specifying the amount payable by the state for its retired employees for the next biennium; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 512—An Act relating to administrative assessments; increasing the administrative assessment for conviction of a felony or gross misdemeanor; providing for the disposition of the increased amount; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 513—An Act relating to bicycles; creating the Nevada bicycle advisory board; requiring governmental planning for transportation by bicycle; making various changes regarding the operation of bicycles and motor vehicles; prohibiting persons from throwing substances at or damaging bicycles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 514—An Act relating to bicycles; requiring the department of motor vehicles and public safety to develop an educational program to promote bicycle safety; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 515—An Act relating to public buildings; requiring the installation of secure racks for parking bicycles at certain public buildings; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 516—An Act relating to infrastructure; requiring certain city and county planning commissions to include motor vehicle

recovery and bicycle lanes in their master plans; requiring local governments to ensure that lanes are constructed in certain cases; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 517—An Act relating to transportation; creating the position of drivers' education and safety officer in the department of motor vehicles and public safety; creating the position of motor vehicle recovery and transportation planner in the department of transportation; increasing the fee for drivers' licenses to provide money for the support of these new positions; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 518—An Act relating to public welfare; allowing the state to impose a lien against the property of a person on account of assistance provided under the state plan for assistance to the medically indigent; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 519—An Act relating to medical imaging technologists; creating the board of medical imaging technologists; prescribing its powers and duties; providing for licensing and disciplinary actions; providing penalties; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 520—An Act relating to corporations for medical service; authorizing certain nonprofit medical corporations, with the approval of the commissioner of insurance, to engage in any business reasonably and necessarily incidental to the business of a nonprofit hospital, medical or dental service plan; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 521—An Act relating to adoption; making various changes to the provisions governing the state register for adoptions; autho-

rizing the welfare division of the department of human resources to accept relinquishments for adoption on behalf of certain child-placing agencies located in other states; requiring such child-placing agencies to reimburse the welfare division for costs related to accepting such relinquishments; authorizing employees of such child-placing agencies to witness adoptions; making various changes to the provisions governing the placement of a child for adoption; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 74.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 250.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 288.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 357.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 305.

Amend sec. 2, page 1, line 4, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 2, page 1, line 5, after "*county*" by inserting "*or city*".

Amend sec. 2, page 1, line 9, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 4, page 1, line 17, after "*commissioners*" by inserting: "*or the governing body of the city*".

Amend sec. 4, page 1, line 19, by deleting the period and inserting "*or city.*".

Amend sec. 5, page 1, line 21, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 6, page 1, line 23, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 6, page 1, line 25, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 7, page 1, line 27, after "*sheriff*" by inserting: "*or chief of police*".

Amend sec. 9, page 2, line 17, by deleting the colon and inserting: "who is sentenced to a term of imprisonment in a local detention facility before October 1, 1991:".

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

"Sec. 10. Section 2 of Assembly Bill No. 68 of this session is hereby amended to read as follows:

Sec. 2. 1. For each month in which a prisoner who is sentenced to a term of imprisonment in a local detention facility:

(a) Appears by the reports required by NRS 211.150, to have been obedient, orderly and faithful, the sheriff of the county or the chief of police of the municipality in which the prisoner is incarcerated may deduct not more than 5 days from the term of imprisonment of the prisoner.

(b) Diligently performs his assigned work, the sheriff or chief of police may deduct:

(1) Not more than 10 additional days if his term of imprisonment is 270 days or more;

(2) Not more than 7 additional days if his term of imprisonment is 180 days or more but less than 270 days;

(3) Not more than 5 additional days if his term of imprisonment is 30 days or more but less than 180 days;

(4) Not more than 3 additional days if his term of imprisonment is 15 days or more but less than 30 days; and

(5) No additional days if his term of imprisonment is less than 15 days.

2. Deductions earned under subsection 1 for any period which is less than 1 month must be credited on a pro rata basis.

3. If, while incarcerated, a prisoner:

(a) Commits a criminal offense;

(b) Commits an act which endangers human life; [or]

(c) Intentionally disobeys a rule of the facility [,] *; or*

*(d) Intentionally disobeys a rule or individual condition established pursuant to section 6 of Assembly Bill No. 314 of this session,*

all or part of any deductions the prisoner has earned under this section may be forfeited as the sheriff or chief of police determines. Before any forfeiture may occur, the prisoner must be given reasonable notice of the alleged misconduct for which the forfeiture is sought and an opportunity for a hearing on that misconduct.

4. The provisions of this section apply to any prisoner who is sentenced to a term of imprisonment in a local detention facility on or after October 1, 1991:

(a) Pursuant to a judgment of imprisonment or a fine and imprisonment; or

(b) For a definite period for contempt in any proceeding which is not a criminal proceeding.

5. As used in this section, "term of imprisonment" means the total number of days a prisoner is incarcerated in the facility, including, unless the court otherwise orders at his sentencing hearing, the time he actually spent in confinement from the date of his arrest to the date on which his sentence begins.

Sec. 11. Sections 9 and 10 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 314.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

## REMARKS FROM THE FLOOR

Assemblyman Petrak requested that Assemblyman Gibbons' remarks be entered in the Journal.

Thank you, Mr. Speaker. I am proud today to introduce my very special guest and husband. Before I do, I do want to thank everyone for being so kind and good to me, during the last two and a half months. It has been the most difficult time in my entire life, and I really appreciate it. I do love all of you very much. You have been wonderful and it has been a wonderful experience.

Before I introduce Jim and let him stand up, I want to present something to him. When I first came to the Legislature, the very first day, they delivered his bills to me and one of them was a 20 page bill that dealt with habeas corpus. I didn't even know what habeas corpus meant. After about two weeks and exhausting five or six LCB staff, I learned that it meant "have body." I talked to my husband the next day. He said, "if you can get Assemblyman Porter to sign them, then I think you can get the bill passed. He is my co-sponsor." I had this bill framed and it says, "To my loving husband and my favorite constituent. This bill is for you."

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 288, 357; Senate Bills Nos. 92, 211, 217; Senate Concurrent Resolution No. 13.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Fr. George Wolf.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Waage, Mr. Donahue and the following students from Empire School, Empire: Alisha Anderson, Ramon Adrian, Chris Cook, Kiet Dao, Cecilia Garcia, Heather Kenney, Victor Llamas, Chris Larson, Andrea Linton, Steven Marcum, Camille Massey, Chris Marsh, Misty Roach, Joe Sanchez, Josh Sanders, Tony Twisleton, Bayardo Vallejos, Travis Wampler, Julie Rich, Quiko Garcia, Richardo Valdezia, Candace Bigelow, Debbie Bohan, Jim Bryant, Domini-

que Delucchi, Kristi Curl, Wilson Fang, Karla Hernandez, Chris Hinkel, Becky Hutchings, Sarah Johnson, Christine Losano, Jesus Luna, Cari Morrison, Amy Peters, Jennifer Bewely, Rich Shephard, Jared Harm, Mandy Tigner, Jason Wilson and Jamie Woods.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Courtney Beach.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Gibbons.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. William Cowie.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carol Chavez and Ms. Apryl Chavez.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 15, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:11 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 15, 1991

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Doctor Gregg Townsley.

Let us pray together. Holy Father, we thank You this day for clean air and warm sunshine. We thank You also for good work; some already done, some yet to do. Energize us as we meet, as we create this day together. We pray in the name of our Lord and Savior.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 254, 264 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 125, 126, 152, 228, 309, 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## COMMUNICATIONS

DISABLED AMERICAN VETERANS
DEPARTMENT OF NEVADA

LAS VEGAS, NEVADA, March 27, 1991

JOSEPH E. DINI, JR., *Speaker of the Assembly,* State of Nevada, Capitol Complex, Carson City, Nevada 89710

DEAR MR. DINI:

The purpose of this letter is to request a joint recess of the Nevada Assembly and Senate on Friday, May 3, 1991 at 11:30 for a presentation by the National Commander, Disabled American Veterans, Joseph Andry.

The Disabled American Veterans' and Auxiliary's 43rd annual convention will be held May 3-5, 1991 at the Ormsby Hotel-Casino. Some 200 of the nearly 6,000 members of the DAV in Nevada, which represents 13 chapters and six auxiliary units are expected to attend.

Purpose of the convention is to approve a "BLUEPRINT" for providing improved assistance to Nevada veterans and their families, to review programs, adopt resolutions and elect 1991-1992 officers.

Special convention guest will be Joseph Andry of Ohio, national DAV Commander for 1990-1991. DAV is a federally chartered non-profit organization, which has more than one million active members. Andry is a combat-disabled Vietnam veteran who joined the Army in 1969. His dream of competing as an Olympic team distance runner died in the smoke of a Viet Cong booby trap. The explosion took his left leg and right eye, riddling his body with shrapnel. The young sergeant left the Army with a Purple Heart and a new dream of helping his fellow veterans. He earned a degree in education, business management and labor relations, and has worked as the Ohio state director for veterans employment. Andry and his wife, Julie, will be arriving Friday morning from Phoenix, Arizona.

Respectfully submitted for consideration,

FRANK PAYNE
*Convention Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Norton and McGaughey:

Assembly Bill No. 522—An Act relating to liquefied petroleum gas; clarifying the role of the board for the regulation of liquefied petroleum gas as it relates to service to customers; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wong moved that Assembly Bill No. 149 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wong.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 487.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 62.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 245.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The justice of the peace shall, on the commencement of any action or proceeding in the justice's court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of $2 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.*

*2. On or before the first Monday of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by him pursuant to subsection 1 for credit to the state general fund. Quarterly, the county treasurer shall remit all money so collected to the state treasurer, who shall place the money in an account in the state general fund for use by the director of the department of taxation to administer the provisions of NRS 360.283, insofar as that section requires the department to estimate annually the population of townships.*

*3. The director may refund to the county clerk of the county of origin a pro rata share of any surplus money collected pursuant to this section. The county clerk shall pay over to the county treasurer any amount so refunded and the county treasurer shall place that amount to the credit of the county general fund for the support of justice's courts.*".

Amend section 1, page 1, by deleting lines 3 through 16 and inserting: "the state, for which there must be elected by the qualified electors of the township the following number of justices of the peace according to the population of the township [:

(a) If the population is less than 90,000, one justice of the peace.

(b) If the population is 90,000 or more but less than 150,000, three justices of the peace.

(c) If the population is 150,000 or more but less than 400,000, five justices of the peace.

(d) If the population is 400,000 or more, six justices of the peace.] *, as certified by the governor in even numbered years pursuant to NRS 360.285:*

*(a) In a county whose population is 400,000 or more, there must be one justice of the peace for each 100,000 population of the township, or fraction thereof.*

*(b) In a county whose population is less than 400,000, there must be one justice of the peace for each 50,000 population of the township, or fraction thereof.*

*(c) If a township includes a city created by the consolidation of a city and county into one municipal government, there must be one justice of the peace for each 30,000 population of the township, or fraction thereof.*

2. *If the provisions of subsection 1 operate to require an increase in the number of justices of the peace in a township and, in the opinion of a majority of the justices of the peace in that township, the case load does not warrant an additional justice of the peace, the justices of the peace may notify the director of the legislative counsel bureau of their opinion. The director shall submit the opinion to the next regular session of the legislature for its consideration.*".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 6 through 8 and adding new sections designated sections 3 through 5, following section 1, to read as follows:

"Sec. 3. NRS 4.080 is hereby amended to read as follows:

4.080 No other fees [shall] *may* be charged by justices of the peace than those specifically set forth in [NRS 4.060, nor shall] *this chapter, nor may* fees be charged for any other services than those mentioned in [those sections.] *this chapter.*

Sec. 4. NRS 4.100 is hereby amended to read as follows:

4.100 1. On the [1st] *first* Mondays of January, April, July and October, the justices of the peace who receive fees [under] *pursuant to* the provisions of NRS 4.060 *and section 1 of this act* shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. [Nothing in this section shall be so construed as to] *This section does not* require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 5. NRS 4.140 is hereby amended to read as follows:

4.140 All fees prescribed in NRS 4.060 [shall be payable] *and section 1 of this act must be paid* in advance, if demanded. If a justice of the peace [shall not have] *has not* received any or all of his fees, which [may be] *are* due him for services rendered by him in any suit or proceedings, he may have execution therefor in his own name against the party [or parties] from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.".

Amend the title of the bill, second line, after "peace;" by inserting: "requiring the collection of a fee to cover the costs of determining the population of townships;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 277.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 399:

YEAS—42.

NAYS—None.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 22.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 22:

YEAS—42.

NAYS—None.

Senate Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 292.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 292:

YEAS—42.

NAYS—None.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 149.

Bill read third time.

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

Amendment No. 292.

Amend sec. 5, page 2, line 8, after "*liable for*" by inserting: "*, in addition to any other applicable damages for breach of contract,*".

Amend sec. 5, page 2, line 10, after the period by inserting: "*In addition to recovering the penalty and any other applicable damages, the chief may remove the person from the list of bidders and refuse to accept a bid from him for not more than 2 years.*".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 76 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

The following amendment was proposed by Assemblymen Stout and Carpenter:

Amendment No. 370.

Amend sec. 7, page 5, by deleting lines 3 and 4 and inserting: "accessible [.] *for use in an emergency.* Every vessel carrying passengers for hire must carry so placed as to be readily accessible *for use in an emergency* at least one [life preserver] *personal flotation device*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REMARKS FROM THE FLOOR

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. Before we adjourn, I am sure most of you know by now that today will be the last official day of service of Mrs. Gibbons. I think her resignation is effective tomorrow morning at 9:30, I believe.

I just wanted to take a minute, on behalf of all the members here, to thank you for your dedication and for the effort that you put into it. I think you have a brilliant future in politics. I hope you decide to stay in the arena. Not that I want you to run against Jim or anything like that but we would certainly welcome you switching to the Democratic Party, Dawn, and we will be happy to assist you should you decide to do that. On behalf of all of us, thank you so much for taking the time to be here and serve. We are going to miss you. Thanks, we appreciate it.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 314; Senate Bills Nos. 20, 27; Assembly Concurrent Resolutions Nos. 39, 45.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jane Johnson, Mr. Don Simons, Mss. Maude Maddox, Jeanne Hansen, Audys Losche and the following students from Fremont Elementary School, Carson City: Eric Avitia, Ryan Berkich, Brian Bragg, Jeff Clack, Daniel Geordge, Eric Hansen, Marcus Henderson, Andrei Losche, Allen Marshall, Erik Schnaser,

Matt Staub, Ryan Simons, Jon Terry, Jeremy Welch, Jeff Williford, Scott Young, Brandy Bergstrom, Beth Cook, Melodie Daniels, Heather Denham, Abigail Jaquette, Erika Leaper, Dawn Maddox, Amber McKenzie, Keri Norvell, Emily Round, Sarah Wilkie and Brian Schweitzer.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 16, 1991 at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 16, 1991

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present. One vacancy.

Prayer by the Chaplain, The Reverend Doctor Gregg Townsley.

Let us pray together. Our Father in Heaven, we give thanks this day for every good thing and person that You have ever made, for the Assembly man or woman to our left and right, to Assemblyman Jim Gibbons as he returns. We pray that as You have been with us in times past, nurturing us through birthdays and baptisms, and perhaps through other times of difficulty and celebration that You would be with us today. Share some sense of love and concern with us as we share that with others today. We pray in the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### COMMUNICATIONS

STATE OF NEVADA

ASSEMBLY

CARSON CITY, NEVADA, April 15, 1991

THE HONORABLE JOE DINI, *Nevada State Legislature,* Carson City, Nevada 89710

DEAR SPEAKER DINI AND MEMBERS OF THE ASSEMBLY:

This letter is to inform you that on Wednesday, April 11, 1991, I tendered my resignation as a member of the Nevada State Assembly to Governor Bob Miller. My resignation will be effective April 16, 1991, at 9:30 a.m.

I also forwarded a copy of my resignation to the Washoe County Board of Commissioners and requested that they re-appoint my husband, Jim Gibbons, to represent Assembly District 23.

Serving as a member of the Assembly has been a great honor and pleasure and I want to take the opportunity to thank you each and every one of you for your kindness and assistance.

Again, my sincere thanks for all your support and understanding.

Sincerely,

DAWN GIBBONS
*Assemblywoman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of examining the credentials of newly-appointed Assemblyman James Gibbons.

Assembly in recess at 10:49 a.m.

## ASSEMBLY IN SESSION

At 10:55 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections has had the credentials of Assemblyman-appointee James Gibbons under consideration, and begs leave to report that Assemblyman Gibbons has been and is duly appointed and qualified as a Member of the Assembly of the 66th Session of the Legislature of the State of Nevada.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved the adoption of the report.

Remarks by Assemblyman Myrna Williams.

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I would first like to thank Mrs. Gibbons once again for the fine work she did here and the collegiate atmosphere.

Second, I told Jim, if I may have the privilege of calling him Jim today, that I had promised to leave my Jim Gibbons' button and ribbon on till he rejoined us. When we spoke the other day and decided it was going to be Tuesday, I told him that Tuesday would be the day that my Jim Gibbons' button would come off and I would probably put my party symbol back on. Jim, welcome back and we are delighted to have you.

Motion carried unanimously.

Mr. Speaker appointed Assemblymen Porter and McGaughey as a committee to escort Associate Justice Charles E. Springer of the Supreme Court of the State of Nevada to the rostrum to administer the oath of office to the Assemblyman.

Mr. Speaker appointed Assemblymen Bergevin and Marvel as a committee to escort Mr. Gibbons to the rostrum.

Associate Justice Springer administered the oath of office to the Assemblyman.

Assemblyman Evans moved that Associate Justice Springer be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Associate Justice of the Supreme Court to the bar of the Assembly.

The appointed committee escorted Assemblyman Gibbons to his seat.

Roll called.

Present: Assemblymen Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson,

Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams, Wong and Mr. Speaker.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing The Star Spangled Banner and a vocal presentation by Mesdames Kathy Pereos and Martha Bowers.

Assembly in recess at 11:02 a.m.

## ASSEMBLY IN SESSION

At 11:14 a.m.
Mr. Speaker presiding.
Quorum present.

### REMARKS FROM THE FLOOR

Mr. Speaker requested that Assemblyman Gibbons' remarks be entered in the Journal.

Thank you, Mr. Speaker. It is indeed a pleasure to be here. Before I begin attempting to say thank you, I have some bad news and good news. The bad news is that, no, this is not the way Dawn looks when she gets up in the morning. I do not get any better looking and what you see is what you get. The good news is, of course, you won't have to listen to Mr. Porter wax on about the accomplishments of my wife while I am here. Mr. Porter, thank you. You do not know how difficult you made my life. I have now to live with this woman and it is up to me to bring her head out of the clouds and, at least, tell her that her ankles are getting wet when she walks on water. Thank you.

Mr. Speaker, it is hard for me to find words to say "thank you" because those words seem insignificant to the way I feel. I am very proud to be a Nevadan, very proud to be here today. I am thankful for all the support you gave Dawn and thankful for all the support you gave the troops. The resolution that you passed was indeed the hit of the base. When that word got to us over there, it was the talk of the base. The whole base, all 8,000 of us that were captured on this little island and in this little air base that was on Bahrain knew about that resolution. Everybody was envious of the Nevada Air National Guard because of the pride you people had in us. Thank you.

I only hope that I am capable of living up to what my wife has set the pace in doing before me. I know her pumps are going to be hard to fill. Mr. Speaker, before I introduce my guests who are sitting at my desk today, I do have a little presentation for you, actually it is for the whole Assembly. As you know the Nevada flag has captioned across the top, "Battle Born." On January 18, I took a flag with me on a flight which I have signed and said, "This flag flew in combat." So, now truly, as I present this flag to you, we have a flag to fly over the Legislature which flew in combat to epitomize the state being "Battle Born." If I may present that to you now, Mr. Speaker, I will and then I will come back and introduce my guests.

Thank you. If I may, Mr. Speaker, introduce my guests at this point in time. I have many friends all of whom I cannot begin, except with the help of my wife. I am not going to know what to do without her. I am going to have to have her around all the time. Typical, she always outshines me. As I said, many of my friends and guests are here today to show their support. I think not just for me but for the State of Nevada as well. It is really a pleasure. I wish I had the opportunity to introduce every one of them because I consider everyone here my friend. Let me introduce those that are sitting with me today. On my right-hand side are Mr. and Mrs. Charlie Dowd, good friends and constituents. On my left, some of my friends and colleagues at Delta: Mr. Jerry McDonald, Mr. Jack Bauer and his lovely wife, Janis over there on the other side of Mrs. Marvel. In the audience, in the back, I have Mr. and Mrs. Pastor and their daughter, Ana Stephanie.

George and Ellen Toto, Sara Toto is with them. I have Shirley and Win Dale also here. My brother, John, is here. As unimportant as it may seem, I hope never to overlook the importance of my most important guest, my wife, Dawn. It really is indeed a pleasure to be here. I am thankful that everybody got home and with that, Mr. Speaker, let's get on with the business at hand. It's good to be home.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 424, 429; Senate Bills Nos. 91, 243, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 316, 318, 343.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 323.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 523—An Act relating to taxation; granting a limited exemption from property taxes to certain persons called to active duty in military service or who served outside of the United States in connection with the authorization of the President of the United States to deploy troops to the Persian Gulf; requiring the tax receiver of a county to grant to persons serving outside of the United States an extension of time for the payment of property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 524—An Act relating to liquefied petroleum gas; making various changes in the composition and duties of the board for the regulation of liquefied petroleum gas; authorizing the board to adopt certain

regulations; eliminating the requirement that applications for certain licenses be submitted 30 days before a regular meeting of the board; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 525—An Act relating to charitable solicitation; amending Assembly Bill No. 102 of this session to advance its effective date; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McGinness and Dini:

Assembly Bill No. 526—An Act making an appropriation to Churchill Arts Council, Inc., for a study to determine the feasibility of restoring the Oats Park School for use as an arts facility; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Carpenter, Elliott, Little, Johnson, Freeman, Bergevin, Lambert, Norton, Haller, Anderson, Myrna Williams, Giunchigliani, Garner, Petrak, Bennett, Kerns, Porter, Wendell Williams, Price, Arberry, Evans, Callister, Bache, Heller, Humke, Sader, McGaughey and Spitler:

Assembly Bill No. 527—An Act relating to the construction of schools; creating the Elko-Eureka District to Finance the Construction of Schools; creating a governing body for the district and providing its powers and duties; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 316.

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

Motion carried.

Senate Bill No. 318.

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

Motion carried.

Senate Bill No. 323.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 343.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 125.

Bill read second time.

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

Amendment No. 279.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 278.350 is hereby amended to read as follows:

278.350 Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201:

1. The time limit for acting and reporting on a tentative or final map may be extended by mutual consent of the subdivider and the governing body or planning commission, as the case may be.

2. If no action is taken within the time limits set forth in NRS 278.010 to 278.630, inclusive, a tentative map as filed shall be deemed to be approved, and the clerk of the governing body, or the planning commission if it has been authorized to act finally, shall certify the map as approved.

*3. The time limits set forth in NRS 278.010 to 278.630, inclusive, for tentative and final maps are suspended for a period, not to exceed 1 year, during which this state or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map or the development, processing or recordation of a final map.*".

Amend section 1, page 2, line 26, after "*period*" by inserting: "*, not to exceed 1 year,*".

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

"An Act relating to planning; extending the period within which action must be taken on tentative and final maps and within which revenue from the residential construction tax must be used if certain progress is".

Amend the summary of the bill, first line, after "within which" by inserting: "tentative and final maps must be acted upon and".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblymen McGaughey and Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 126.

Bill read second time.

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

Amendment No. 280.

Amend section 1, page 2, line 11, after "*period*" by inserting: "*, not to exceed 1 year,*".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

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

Amendment No. 301.

Amend section 1, page 2, line 8, by deleting "10" and inserting [10] *20*".

Amend section 1, page 2, line 21, by deleting " *"P-1," "A-1"* " and inserting " *"A-1," "P-1"* ".

Amend section 1, page 2, line 24, by deleting "*25*" and inserting "*20*".

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

"Sec. 2. Section 1 of Assembly Bill No. 155 of this session is hereby amended to read as follows:

Section 1. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in subsection 2 and in NRS 354.750, a board of county commissioners or the governing body of an incorporated city may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years from the date of purchase.

(b) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(c) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years from date of purchase.

(d) Obligations of the United States Postal Service or the Federal National Mortgage Association, the maturity date of which is not more than 10 years from the date of purchase.

(e) Negotiable certificates of deposit issued by commercial banks or insured savings and loan associations.

(f) Securities which have been expressly authorized as investments for local governments or agencies, as defined in NRS 354.474, by any provision of Nevada Revised Statutes or by any special law.

(g) Subject to the limitations contained in NRS 355.177, negotiable notes or short-time negotiable bonds issued by local governments of the State of Nevada pursuant to NRS 354.440.

(h) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed 20 percent of the money available to a local government for investment.

(i) Obligations of state and local governments if:

(1) The interest on the obligation is exempt from gross income for federal income tax purposes; and

(2) The obligation has been rated "A" or higher by one or more nationally recognized bond credit rating agencies.

(j) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) Is purchased from a registered broker-dealer;

(2) At the time of purchase has a remaining term to maturity of no more than 270 days; and

(3) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

except that investments pursuant to this paragraph may not, in aggregate value, exceed 20 percent of the total portfolio, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

*(k) Money market mutual funds which:*

*(1) Are registered with the Securities and Exchange Commission;*

*(2) Are rated "AAA" by a nationally recognized rating service; and*

*(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities.*

2. The securities described in paragraphs (a), (b) and (c) of subsection 1 may be purchased when, in the opinion of the board of county commissioners or the governing body of the city, there is sufficient money in any fund of the county or city to purchase those securities and the purchase will not result in the impairment of the fund for the purposes for which it was created.

3. When the board of county commissioners or governing body of the city has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

4. Any interest earned on money invested pursuant to subsection 2, may, at the discretion of the board of county commissioners or governing body of the city, be credited either to the fund from which the principal was taken or to the general fund of the county or incorporated city.

5. The board of county commissioners or governing body of an incorporated city may invest any money apportioned into funds and not invested pursuant to subsection 2 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year from the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the county or incorporated city.

6. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.".

Amend the title of the bill, first line, after "investments;" by inserting: "increasing the amount of money that may be invested in bankers' acceptances by a county or city;".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

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

Amendment No. 225.

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

"Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. There is hereby created a revolving account for the office of attorney general in the sum of $5,000, which must be used for payment of expenses related to litigation which are unexpected and require prompt payment and for no other purposes.*

*2. The attorney general shall deposit the money in the revolving account in a bank qualified to receive deposits of public funds as provided by law and the deposit must be secured by a depository bond satisfactory to the state board of examiners.*

*3. The attorney general or his designee may sign all checks drawn upon the revolving account.*

*4. Payments made from the revolving account must be promptly reimbursed from the legislative appropriation, if any, to the attorney general for special litigation expenses. The claim for reimbursement must be processed and paid as other claims against the state are paid.*

Sec. 2. There is hereby appropriated from the state general fund to the account created pursuant to section 1 of this act the sum of $5,000.".

Amend the title of the bill to read as follows:

"An Act relating to the attorney general; establishing a revolving account for unexpected expenses related to litigation; limiting the use of the money in the account; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes revolving account for unexpected expenses related to litigation by attorney general. (BDR 18-771)".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 299.

Amend sec. 5, page 3, by deleting lines 32 through 35 and inserting:

"4. If the office of any trustee becomes vacant, the [authority which appointed his initial predecessor shall] *remaining trustees shall by majority vote* appoint his successor for the unexpired term. *The appointment must be made within 30 days after the occurrence of the vacancy. The person appointed must have the same qualifications as are required of the trustee he succeeds.*".

Amend the bill as a whole by deleting sections 6 through 9 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 10 of chapter 458, Statutes of Nevada 1983, at page 1210, is hereby amended to read as follows:

Sec. 10. The authority may do all things necessary to accomplish the purposes of this act. The authority may, by reason of example and not of limitation:

1. Have perpetual succession and sue and be sued.

2. Plan, establish, acquire, construct, improve and operate an airport within Lander County.

3. Acquire real or personal property or any interest therein by gift, lease or purchase for any of the purposes provided in this section, including the elimination, prevention or marking of airport hazards.

4. Sell, lease or otherwise dispose of any real property.

5. Acquire real property or any interest therein in areas most affected by aircraft noise for the purpose of resale or lease thereof, subject to restrictions limiting its use to industrial or other purposes least affected by aircraft noise.

6. Enter into agreements with Lander County and Battle Mountain to acquire, by lease, gift, purchase or otherwise, any airport of the county or municipality and to operate the airport.

7. Exercise the power of eminent domain and dominant eminent domain in the manner provided by law for the condemnation by a town of private property for public use to take any property necessary to the exercise of the powers granted, within the designated district in Lander County.

8. Apply directly to the proper federal, state, county and municipal officials and agencies or to any other source, public or private, for loans, grants, guarantees or other financial assistance in aid of airports operated by it, and accept the same.

9. [Study and recommend to the board of county commissioners of Lander County and the town council of Battle Mountain zoning changes in the area of any airport operated by the authority with respect to height and aviation obstructions in order to enable the authority to meet the requirements of any Federal Aviation Administration regulations.] *Prepare and adopt a comprehensive, long-term general plan for the physical development of all property owned and operated by the authority for submission to the board of county commissioners of Lander County. The authority may prepare and adopt for approval by the board of county commissioners of Lander County a comprehensive zoning plan of all property owned or operated by the authority. The zoning plan must be consistent with the requirements of chapter 497 of NRS and any applicable federal laws and regulations.*

10. Have control of its airports with the right and duty to establish and charge fees, rentals, rates and other charges, and collect revenues therefrom, not inconsistent with the rights of the holders of its bonds, and enter into agreements with carriers for the payment of landing fees, rental rates and other charges.

11. Use in the performance of its functions the officers, agents, employees, services, facilities, records and equipment of Lander County or Battle Mountain, with the consent of the county or municipality and subject to such terms and conditions as may be agreed upon.

12. Enter upon such lands, waters or premises as in the judgment of the authority may be necessary for the purpose of making surveys, soundings, borings and examinations to accomplish any purpose authorized by this act. The authority is liable for actual damage done.

13. Provide its own fire protection, police and crash and rescue service.

14. Contract with carriers with regard to landings and the accommodations of the employees and passengers of such carriers.

15. Contract with persons or corporations to provide goods and services for the use of the employees and passengers of the carriers and the employees of the authority, as necessary or incidental to the operation of the airports.

16. Hire and retain officers, agents and employees, including a fiscal adviser, engineers, attorneys or other professional or specialized personnel.

17. Adopt regulations governing vehicular traffic on its airports relating but not limited to speed restrictions, stopping, standing and parking, loading zones, turning movements and parking meters. It is unlawful for any person to do any act forbidden or fail to perform any act required in such regulations.".

Amend the bill as a whole by renumbering sec. 10 as sec. 7.

Amend sec. 10, page 5, by deleting line 1 and inserting:

"Sec. 20. *1.* The authority, upon the affirmative vote of five trustees and".

Amend sec. 10, page 5, line 3, by deleting the bracket.

Amend sec. 10, page 5, by inserting between lines 5 and 6:

"*2. The authority may enter into short-term financing in compliance with NRS 354.430 to 354.460, inclusive, and 354.618. The authority is not required to obtain the approval of the board of county commissioners of Lander County if the outstanding principal amount of the financing is $400,000 or less. The authority may enter into short-term financing in an amount in excess of $400,000 if the authority obtains the approval of the board of county commissioners of Lander County.*".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 10, to read as follows:

"Sec. 8. Section 28 of chapter 458, Statutes of Nevada 1983, at page 1216, is hereby amended to read as follows:

Sec. 28. The approval of the board of county commissioners of Lander County required by [sections 12, 13 and 14 of] this act must not be unreasonably, capriciously or arbitrarily withheld.".

Amend the bill as a whole by renumbering sec. 11 as sec. 9.

Amend the bill as a whole by deleting sec. 12 and the Text of Repealed Section.

Amend the title of the bill by deleting the second through fourth lines and inserting: "Authority of Battle Mountain; authorizing the authority to enter into short-term financing; prohibiting the board of county commissioners of Lander County from unreasonably withholding its approval when such approval is required under the act; modifying the authority's powers with respect to planning and zoning;".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 309.

Bill read second time.

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

Amendment No. 283.

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

"Sec. 2. NRS 287.010 is hereby amended to read as follows:

287.010 The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada may:

1. Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept

the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

2. Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

3. Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as [a trust and agency] *an internal agency* fund as defined by NRS [354.580. The trust funds] *354.543. The money* must be deposited in a state or national bank authorized to transact business in the State of Nevada. [The trust instrument must be approved by the commissioner of insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided.] Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this state. The provisions of NRS 689B.030 to 689B.050, inclusive, apply to coverage provided pursuant to this subsection.

4. Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The funds for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time.

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

Amendment No. 367.

Amend section 1, page 1, by deleting lines 3 through 17 and inserting:

"*1. In a county whose population is 400,000 or more and in which exists a species or subspecies of wildlife that has been declared endangered or threatened pursuant to the federal Endangered Species Act of 1973, as amended, the board of county commissioners may by ordinance establish, control, manage and operate an area or zone for the preservation of wildlife habitat. In addition, the board, in cooperation with the responsible state and federal agencies, may encourage in any other manner the preservation of the*

*species or subspecies, including participation in an agreement made pursuant to NRS 503.589. The board may purchase, exchange or lease real property, personal property, water rights, grazing permits and other interests in such property for this purpose. If any such property, rights or other interests are purchased from a nonprofit organization, the board of county commissioners may reimburse the organization for its cost of acquisition, not to exceed its appraised value, and any interest, carrying costs, direct expenses and reasonable overhead charges.*

*2. The board of county commissioners may, by ordinance, impose a reasonable fee of not more than $1,000 per acre on the construction of a structure or the grading of land in the*".

Amend section 1, pages 1 and 2, by deleting on line 26 of page 1 and line 1 of page 2, "*and indirect*".

Amend sec. 2, page 2, line 13, after "construction tax" by inserting: ", tax for the improvement of transportation imposed pursuant to section 14 of [this act] *chapter 19, Statutes of Nevada 1991*".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

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

Amendment No. 349.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Giunchigliani moved that Assembly Bill No. 391 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 254.

Bill read second time and ordered to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that upon return from reprint, Assembly Bill No. 309 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 334:

YEAS—42.

NAYS—None.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblymen Petrak, Heller, Elliott and Price.

Assemblyman Bennett requested that Assemblyman Petrak's remarks be entered in the Journal.

Through you, Mr. Speaker, and to my colleagues in the Assembly. I kind of goofed up when I came to Carson City. I failed to report to Legislative Functions the fact that I had some information I should have divulged at the time. I would like to do it now.

Forty-nine years and 33 days ago, Mr. McGinness, there was a St. Patrick's Day dance in Cleveland. I lived there as a resident. The dance was being held at the YWCA down the street, at 17th and Prospect. Mr. Wong knows where that is. I happened to enter this dancing hall and saw a good looking Irish colleen, by the name of Phyllis. She was a strawberry blond with pretty blue eyes. A good looking woman. The rest of the night I danced with Phyllis.

I suppose about the 20th day we decided that we should do something about this thing and get married. She agreed. I wrote to a Justice of the Peace in Greenup, Kentucky. He said, "If you come down here, I will marry you for $2." On the 32nd day after I had met Phyllis, we got into my 1941 car, and, incidentally, the cost of gas was 12 cents a gallon. I had 23 silver dollars in my pocket and we headed out for Kentucky. At two o'clock in the morning we arrived at the banks of the beautiful Ohio River in the town called Ports Smith. We decided to stay at a hotel there. I went to the big hotel on main street and they said, "We don't have any lodging facilities for you. Go down the street about half a block and there is a little hotel. You can check in there, possibly." So I did that. We drove down the main street. I turned left and just as I turned left at two o'clock in the morning, in this lazy river town on the Ohio River, my horn started to blow. There was a short in it. I got out of the car and I pulled the horn wires out and the horn stopped blowing. I went in to check in. The clerk at the desk was sleeping on a cot behind the counter and I woke him up and said, "I would like to have two rooms." He said, "What do you got, another couple with you?" I said, "No, this is my lady friend and we want two rooms." It cost us a dollar each for the night's lodging there.

The next morning we went across the beautiful Ohio River and up the river about six miles to a town called Greenup, Kentucky. I looked for this justice of the peace, Greenslade. I went to his house. This man came out. He was in a black suit, real dirty, and a white shirt and a bow tie, and his coat came down to his knees. He had a black hat with a straight leveled brim on it. He said, "What can I do for you?" I introduced myself. "Yes," he said, with a Kentucky southern accent, "I will be glad to marry you this morning." He said, "You have gotta go up to the doctor uptown there," and he told me where to go to get a blood test. We went and had a blood test and after that, he told us to return to the Sheriff's Department, the jail was in town. We went over to the Sheriff's Department at 11 o'clock and met the justice of peace, Greenslade. If you can, picture the way in which this ceremony went on. The sheriff's wife happened to do the clerical work for the sheriff and she was the sponsor of our marriage. The justice of the peace was standing across from us and we were here and all of a sudden the deputy sheriff came in

with two prisoners. He locked the prisoners up in the jail cells right there and they were watching us while the sheriff performed the marriage. It cost me $2. I had my silver dollars and I gave him two of them and I gave him a dollar tip. That was 49 years ago about half an hour ago.

This girl I thought so much of has been with me during all the years. We have been through the good and bad times. She has always been with me. I think so darn much of her. Like my colleague, Jim Gibbons said, "He didn't know what he would do without her." Well, Jim, I feel the same way about Phyllis. She's with me this morning. She was my campaign manager for my Assembly race. She is a winner. I appointed her my executive administrative assistant, Mr. Speaker, without pay. That is saving the state some money. I want to say that I think so much of her. She has been a real good buddy and partner and I love her very much. I wanted to interrupt this General File to tell you about that because you know $2 for a marriage license isn't very much when you figure that today, Assemblyman Heller, it has gone up to thirty bucks. I would like to go back to my General File remarks. Testimony indicated that the current $20 fee is not sufficient to cover the costs and time and travel required to perform marriages. In addition, county marriage commissioners currently charge the same $25 or $30 fee proposed for this bill. I ask my colleagues here in the Assembly if you would please vote for this legislation. Thank you, Mr. Speaker, and thank you, dear colleagues in the Assembly.

Roll call on Assembly Bill No. 487:

YEAS—41.

NAYS—None.

Not voting—Gibbons.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 277:

YEAS—42.

NAYS—None.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that the Douglas County Farm Tour for legislators will be held on Tuesday, April 30, 1991.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Randolph Moore, Mrs. Shirley Moore and Miss Tiffany Moore.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Charlie Dowd, Messrs. Jerry McDonald, Jack Bauer, Mrs. Janis Bauer, Mr. and Mrs. Jose Pastor, Ms. Ana Stephanie Sandoval, Mr. Win Dale and Mrs. Shirley Dale.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Franklin Coonley.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Piney MacKay and Ms. Marjory Pettycrew.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of the Reno Newcomer's Club: Mss. Marie Starret, Rosemary Welk, Alicia Barbato, Jean Graham, Terry Walsh, Judy Singleton, Natalie Mayrsohn, Charlotte Wilcox, Lorraine Karle, Hazel Fritter, Beckey Arras, Mary Saponaro, Patricia Jennings, Maxine Dryden, Jessie Cryan, Beverly Hubbard, Joyce Buckholz, Joan Parto, Vera Stout, Terry Maine, Kendall Mattina, Dorothy Barnard, Marie Marconi, Maggie Latimer, Shirley Willis, Evelyn Whisler, Diane Rose, Marylee Phillips, Shirley Cavitt, Rosemary Dromo, Messrs. Ray Stout, Fred Maine and Lou Brunstrom.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 17, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 17, 1991

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Doctor Gregg Townsley.

Let us pray together. Our Heavenly Father, we notice the springtime finery that You have created around us. For trees and warm sunshine, we give thanks. For meadows and for rushing water, we offer our gratitude. Enable us this day then to be grateful for other things as well; for the work that You have given us to do; for co-workers, perhaps; for family and friends at home. As we walk and work in Your world this day, walk and work in us. We pray in His name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Concurrent Resolutions Nos. 21, 22, 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 76.
Bill read third time.
Assemblyman Carpenter moved that Assembly Bill No. 76 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Carpenter.
Motion carried.

Assembly Bill No. 149.
Bill read third time.
Remarks by Assemblyman Wong.
Roll call on Assembly Bill No. 149:
YEAS—42.
NAYS—None.

Assembly Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 62, 254, 264 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21.
Assemblyman Evans moved the adoption of the resolution.
Remarks by Assemblyman Evans.
Resolution adopted.

Assembly Concurrent Resolution No. 22.
Assemblyman Porter moved the adoption of the resolution.
Remarks by Assemblymen Porter, Scherer, Wendell Williams and Myrna Williams.
Assemblyman Wendell Williams requested that the record reflect that he abstained from the vote on Assembly Concurrent Resolution No. 22.
Resolution adopted.

Assembly Concurrent Resolution No. 37.

Assemblyman Lambert moved the adoption of the resolution.

Remarks by Assemblyman Lambert.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 528—An Act relating to industrial insurance; providing for industrial insurance by private insurers; providing for state supervision of rates and advisory organizations; exempting the state industrial insurance system from administrative requirements applicable to executive agencies generally; providing penalties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 529—An Act relating to industrial insurance; requiring certain payments and notices to be provided to claimants for industrial insurance benefits; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 530—An Act relating to gaming; imposing additional license fees on operators of slot machine routes; providing for their rate, collection, refund and disposition; clarifying certain provisions relating to the fee collected from a licensee who concludes a gaming operation; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 531—An Act relating to property tax; exempting from taxation certain real property and tangible personal property used for housing and related facilities by persons with low incomes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 532—An Act relating to lotteries; authorizing charitable and nonprofit organizations to conduct lotteries under certain circumstances; setting forth the requirements for the operation of such lotteries; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 533—An Act relating to gaming; repealing the prospective expiration of the provision authorizing the operation of a sports pool or race book at a nonrestricted operation by a licensee other than the holder of the nonrestricted license; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 534—An Act relating to gaming; clarifying that the face amount of a credit instrument that is settled for less than that amount must not be included in the gross revenue of a licensee based solely upon the licensee's request that the state gaming control board not confirm the terms of the settlement with the patron; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 499 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 283 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that Assemblyman Gibbons has been appointed to serve on the Committee on Education and the Committee on Judiciary.

## SECOND READING AND AMENDMENT

Assembly Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 372.

Amend section 1, page 1, line 4, by deleting "*$10,000,000*" and inserting "*$7,000,000*".

Amend section 1, page 1, line 7, by deleting "*$10,000,000*" and inserting "*$7,000,000*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader, Scherer, Norton and Mr. Speaker.

Conflict of interest declared by Mr. Speaker.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 315.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"(b) Appoint two [physicians, at least one of whom is a psychiatrist or is similarly qualified,] *persons, one of whom is a psychiatrist and one of whom is a psychologist,*".

Amend sec. 2, page 2, line 16, after "assault," by deleting "or".

Amend sec. 2, page 2, line 18, after "forbidden," by inserting: "or where the defendant is found to be a habitual criminal pursuant to NRS 207.010,".

Amend sec. 3, page 3, by deleting lines 6 through 8 and inserting:

"(b) Appoint two [physicians, at least one of whom shall be a psychiatrist,] *persons, one of whom is a psychiatrist and one of whom is a psychologist,* to examine the".

Amend sec. 4, page 3, by deleting lines 17 through 20 and inserting:

"178.415 1. The court shall appoint two [physicians, at least one of whom is a psychiatrist or otherwise especially qualified,] *persons, one of whom is a psychiatrist and one of whom is a psychologist,* to examine the defendant.".

Amend sec. 5, page 3, by deleting lines 35 through 40 and inserting: "three [physicians, at least one of whom shall be a psychiatrist, who are licensed to practice medicine in this state, but not] *persons:*

*(a) At least one of whom is a psychiatrist;*

*(b) At least one of whom is a psychologist; and*".

Amend sec. 6, page 4, line 24, by deleting "*qualified*".

Amend sec. 7, page 5, line 2, by deleting "*qualified*".

Amend sec. 7, page 5, line 8, by deleting "*qualified*".

Amend sec. 8, page 5, line 24, by deleting "*qualified*".

Amend sec. 8, page 5, line 32, by deleting "*qualified*".

Amend sec. 9, page 6, line 2, by deleting "*qualified*".

Amend sec. 9, page 6, line 10, by deleting "*qualified*".

Amend sec. 10, page 6, line 28, by deleting "*qualified*".

Amend sec. 10, page 6, line 36, by deleting "*qualified*".

Amend sec. 11, page 6, by deleting lines 46 and 47 and inserting: "probation or parole unless a [physician who is a qualified psychiatrist] *psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in*".

Amend sec. 12, page 7, line 29, by deleting "*qualified*".

Amend sec. 13, page 7, by deleting line 32 and inserting:

"Sec. 13. Sections 2 and 6 of this act become effective at 12:01 a.m. on October".

Amend the title of the bill to read as follows:

"An Act relating to criminal procedure; requiring the court to appoint a psychologist to examine a person with respect to his mental condition in

various criminal proceedings; requiring that a psychologist review the mental condition of certain persons to determine their eligibility for parole or probation; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "Authorizes" and inserting "Requires".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 314.

Amend section 1, page 1, by deleting line 2 and inserting: "provisions set forth as sections 2 to 5, inclusive, of this act.".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *The provisions of sections 3, 4 and 5 of this act, do not apply to a lawyer who is communicating with his client within the scope of the privilege set forth in NRS 49.095.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 323.

Amend section 1, page 1, line 9, after "*applicant*" by inserting: "*for initial licensure*".

Amend sec. 2, page 2, line 7, by deleting "*A*" and inserting: "*For initial licensure, a*".

Amend sec. 3, page 2, line 41, by deleting "*The*" and inserting: "*For initial licensure, the*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 345.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Willful blindness" means the intentional disregard of objective facts which would lead a reasonable person to conclude that the property was derived from unlawful activity or would be used for an unlawful purpose.*

Sec. 2. NRS 179.1157 is hereby amended to read as follows:

179.1157 As used in NRS 179.1156 to 179.119, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 179.1158 to 179.1163, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 292; Assembly Concurrent Resolution No. 10.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended Mss. Louise Snyder, Peggy Tidmen and the following students from the Incline Elementary School: Sequoia Alba, Christopher Ambrjs, Cecelia Avitia, Christian Cardiel, Megan Erickson, Sophia Esposito, Jonathan Fischer, Bryan Greene, Jolene Inglima, Jennifer Johnson, Amy Kidman, Landon Lerma, Anthony Lucido, Jamie Moore, Tara Moreland, Elisha Rhodes, Talia Salvatelli, Branden Sparks, Angelique Theodoratos, James Thompson, Jamin Toby, Marc Vanhoff, James Watts, Erik Westerlund, Christine Wyatt, Aspen Zweygardt, Susan Charge, Thomas Luttrell, Steve Russo, Jeremy Atwood, Erin Filsinger, Kristen Herman, Hank Hubbard, Joshua Jessep, Lauren Landers, Carrie Lane, Morgan Limback, Danielle Smith, Jessica Smith and Megan Steele.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Burt McGinty.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Hyatt, Diane Santi, Jacyoline Matteoni and the following students from Echo Loder School: Claudia Arellano, Stephanie Brightman, Michael Dickson, Christopher Gallardo, Anna Gil, Sandra Gonzalez, Carmen Hernandez, Kacey Hutchinson, Jennifer Jones, Donovan Kamp, Cody Kolevris, Timmy Laney,

Meredith Mahoney, Jeremy Monahan, Sandy Ortiz, Jamahl Patterson, Melissa Price, Joshtin Sadler, Michael Schlax, Erik Solis, Brandy Spell, Claudia Suarez, David Sumpter and Patience Sumpter.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Van Yates.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Hayden, Mr. Slonecker, Mss. Teresa Buchanan, Renee Ryan, Linda Mackay and the following students from the E. C. Best School: Jason Eler, Zech Pursley, Jason Hilbel, Jason Spoors, Joe Weslley, Anna Clyburn, Angie Savage, Candice Austin, Megan Arthur, James Pritchett, Steve Johnson, April Rickabaugh, Audrey Craig, Elana Hoard, Racquel Welch, Kale Knittle, Amanda Hurd, Gerry Rossback, Brett Peterson, Mike Ryan, Brian Colley, Justin Snow, Heather Kelley, Tressa Kelly, Jana Johnson, Claudia Tafoya, Amy Drake, Jennifer Wroblewski, Jeff Mackay, Randy McKnight, Randy Buchanan, Beav Reid, Arlen Mjnden, Tyler Voss, Carin Engleman, Courtney McCormick, Randalynn Heser, Laura Lala, Angela Enb, Terry Mason, Regis Rosse, Daniel Hardy, Amber Johnson, John Elliot and Vicki Steelmon.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Morris, Mike Leavitt and Matt Coplin.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 18, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 18, 1991

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Doctor Gregg Townsley.

Let us pray together. Heavenly Father, our Father, we stand this day in prayer in recognition that You give life and are the Lord of life. The earth is Yours. The nations are Yours. And though we may sometimes live with our own agendas, it is You, the Lord of our agendas, and the great "influencer" of everything we do. So Lord, this day take away our self-centeredness, loosen our ties to special interests. Bring our mind goodness so that in living together in this great state we may enjoy Your gifts and be thankful. We pray in His name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 260.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 7.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McGinness, Evans, Lambert, Haller, Krenzer, Spitler, Goetting, Freeman, Humke, Bergevin, Wendell Williams, Bache, Anderson, Pettyjohn, Scherer, Bayley, Porter, Little, Petrak, Elliott, Bennett, Carpenter, Stout, Marvel, Kerns, Gibbons, Wong, Arberry, Johnson, Myrna Williams, McGaughey, Dini, Norton, Callister, Heller, Garner, Gregory, Sader, Spriggs, Hardy, Price and Giunchigliani:

Assembly Concurrent Resolution No. 47—Designating April 18, 1991, as Kiwanis Day in Nevada.

WHEREAS, Seventy-six years ago the "Benevolent Order of the Brothers" was organized in Detroit, Michigan, on January 21, 1915, with the goal of having "a mutual exchange of preferred treatment in professional and business dealings"; and

WHEREAS, The following year the club's name was changed to "Kiwanis," a form of the Chippewa Indian word "Nun Keewanis," which means "self expression" and "We make ourselves known"; and

WHEREAS, Members of Kiwanis work toward six principles, including (1) the primacy of spiritual values, (2) living by the Golden Rule, (3) adhering to high personal standards, (4) engendering strong citizenship, (5) building better communities through service, and (6) assisting in the formation of sound public opinion; and

WHEREAS, Since 1917, the California, Nevada and Hawaii district, CAL-NEV-HA, has become the largest district in Kiwanis International; and

WHEREAS, Nevada is proud of its own state divisions 23, 28 and 45 for their long history of service to communities in Nevada; and

WHEREAS, Members of the Nevada Legislature are honored to have Governor Allen S. "Bud" Olds and Governor-elect John E. Roberto of the California, Nevada and Hawaii district in attendance today; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the Nevada Legislature hereby designate April 18, 1991, as Kiwanis Day in Nevada, in recognition of the dedication toward helping others and the accomplishments achieved by members of Kiwanis while serving their communities; and be it further

RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to Governor Allen B. "Bud" Olds, Governor-elect John E. Roberto and Lieutenant Governors of the respective divisions of Nevada, Frank R. Costa of Division 23, Charles Schenck Jr. of Division 28 and Charles D. Keller of Division 45.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblyman McGinness.

Resolution adopted unanimously.

Assemblyman McGinness moved that all rules be suspended and that Assembly Concurrent Resolution No. 47 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 126:

YEAS—42.

NAYS—None.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 152:
YEAS—42.
NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 228.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Assembly Bill No. 228:
YEAS—42.
NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 376.
Bill read third time.
Remarks by Assemblyman Wong.
Roll call on Assembly Bill No. 376:
YEAS—38.
NAYS—Bergevin, Gregory, Hardy, Marvel—4.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 62.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 62:
YEAS—42.
NAYS—None.

Senate Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 254, 264 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Senate Joint Resolution No. 7:
Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 535—An Act relating to wildlife; imposing an annual assessment for the development or maintenance of a body of water lethal to wildlife; providing penalties; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 536—An Act making an appropriation to the supreme court of Nevada for the temporary relocation of the Las Vegas office; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 537—An Act relating to public employees' retirement; making various changes regarding increases in the rates of contribution to the retirement funds for public employees; making various changes regarding post-retirement increases in the benefits for retired public employees; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Wong, Stout, Pettyjohn, Little, Bennett, Krenzer, Kerns, Gibbons, Marvel, Goetting and Heller:

Assembly Bill No. 538—An Act relating to industrial insurance; providing that counseling, training and rehabilitative services ordered by an insurer must be completed, terminated or waived before a claimant may elect payment of an award for a permanent partial disability in a lump sum; and providing other matters properly relating thereto.

Assemblyman Wong moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Haller, Giunchigliani, Anderson, Petrak, Johnson, Garner, Freeman, Bergevin, Sader, Bache, Arberry, Norton, Evans, Stout, Spitler, Gibbons, Wendell Williams, Porter and Bennett:

Assembly Bill No. 539—An Act relating to elections; requiring the secretary of state to prepare a voters' pamphlet before certain elections; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Porter, Price, Humke, Callister, Evans, Anderson, Wong, Goetting, Norton, Haller, Giunchigliani, Spitler, Garner, Bache, Myrna Williams, McGaughey and Dini:

Assembly Bill No. 540—An Act relating to the Windsor Park subdivision in the City of North Las Vegas; expanding the permissible use of money previously appropriated for the relocation of certain residents of the subdivision; making an appropriation from the emergency fund of the supplemental city-county relief tax to assist those residents; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 68.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 28.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 342.

Amend section 1, page 1, by deleting lines 6 through 16 and inserting:

"*(a) The agency:*

*(1) Is licensed as a collection agency in the state where its attempts to collect claims from residents of Nevada originate, and that the licensing state is authorized by its law to investigate complaints received from residents of this state and to take disciplinary action against the agency in connection with such complaints; and*

*(2) Collects only debts within this state which are exempt from the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.; or*

*(b) The agency:*

*(1) Is licensed as a collection agency in the state where its attempts to collect claims from residents of Nevada originate, and that the licensing state is authorized by its law to investigate complaints received from residents of this state and to take disciplinary action against the agency in connection with such complaints;*

*(2) Does not have an office or any employees in this state and does not, by mail, telephone, advertising or any other means, solicit in this state a claim for collection; and*

*(3) Has no contact with debtors or customers in this state other than its attempts to collect a claim by mail or telephone from a location outside of this state.*".

Amend section 1, page 1, line 18, by deleting "*occasionally*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 340.

Amend sec. 36, page 12, line 15, after "scientific" by inserting "*or educational*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 145.

Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 211.

The following Senate amendment was read:

Amendment No. 258.

Amend section 1, page 1, line 6, by deleting: "hunting or killing" and inserting: "hunting , [or] killing *or nonlethal control*".

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

"An Act relating to animals; expanding the authority of the board of wildlife commissioners to adopt regulations authorizing the hunting, killing and nonlethal control of certain animals from an aircraft; providing".

Assemblyman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 211.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 76, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

| | |
|---|---|
| WENDELL P. WILLIAMS | ERNEST E. ADLER |
| SCOTT SCHERER | RONALD V. COOK |
| JOHN W. BAYLEY | STEPHANIE S. TYLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 1.

Amend section 1, page 1, by deleting lines 20 and 21 and inserting: "*proceeding, unless the court determines that holding such a hearing in open court will not be detrimental to the child.*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 76.

Remarks by Assemblyman Sader.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 541—An Act relating to hearing officers; requiring certain state agencies to use hearing officers of the hearings division of the department of administration; requiring that such hearing officers be appointed by the governor and be licensed attorneys; providing that such hearing officers are in the unclassified service of the state; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 277.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Lovey Schelling, Vitus Adams and Catherine Legue.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Rhodes, Mr. Jimmy Nolan and the following students from the E. W. Fritsch School: Jaylyn Barrigian, Emily Beau, Amber Cain, Chris Carrera, Anielka Contreras, Jennifer Dorr, Chris Fiegehen, Tonya Foster, Luke Fried, Emelio Gomez, Brandon Grosbeier, David Jackson, Roger Lacy, Amy Luke, Robert Nearoff, Vernon Norris, Sacha Paugh, Kelly Phillips, Jennifer Ramsey, Dustin Riley, Adriana Rodriquez, Daniel Sanchez, Linda Upton, David Welden, Jennifer Wike and Dana Wilkie.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bud Olds, John Roberto, Harris Barton and Rodney Knox.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Helen Herr.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Henry Cano and Gordon Thornton.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sandra Long.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 19, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE EIGHTY-NINTH DAY

CARSON CITY (Friday), April 19, 1991

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, The Reverend Doctor Gregg Townsley.

Heavenly Father, our Father, we stand this morning in worship of the power that forms such a beautiful world around us. Speak to us this day of simple things. We pray this morning not for Your presence, but for Your power, to enable us to see more clearly, to love more dearly, to live and work out our lives in a manner pleasing to You. We pray in the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 28, 413, 414, 416; Senate Bill No. 107; Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 69, 78, 409.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 366, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 76.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:50 a.m.

## ASSEMBLY IN SESSION

At 10:55 a.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Arberry, Elliott, Wendell Williams, McGaughey, Callister, Dini, Myrna Williams, Porter, Evans, Price, Giunchigliani, Garner, Heller, Humke, McGinness, Goetting, Spitler, Anderson, Bache, Gibbons, Freeman, Sader, Marvel, Wong, Johnson, Gregory, Kerns, Bennett, Petrak, Krenzer, Haller, Norton, Little, Hardy, Bergevin, Lambert, Pettyjohn, Bayley, Scherer, Carpenter, Stout and Spriggs:

Assembly Concurrent Resolution No. 48—Designating Friday, April 19, 1991, as Sammy Davis, Jr. Day in the State of Nevada.

WHEREAS, Sammy Davis, Jr. began performing in 1929 when he was only 3 years old; and

WHEREAS, During the next 60 years, until his untimely death at the age of 64 years on May 16, 1990, Sammy Davis, Jr. became known as "Mr. Entertainer," a title affectionately attributed to him because of his unmatched talent as a singer, dancer, musician, actor, comedian, writer and producer; and

WHEREAS, A true humanitarian, Sammy Davis, Jr. devoted much of his life to helping others, often making 60 benefit performances and appearances in a year; and

WHEREAS, Throughout his life he was recognized and honored by many organizations including receiving the Spingarn Medal from the National Association for the Advancement of Colored People in recognition of "the highest and noblest achievement by an American Negro" in 1967, and in 1971 he was named to the National Advisory Council on Economic Opportunity; and

WHEREAS, In 1972, Sammy Davis, Jr. was named to the National Commission on Drug Abuse and he also went to Viet Nam where, as a Presidential emissary, he entertained and personally visited with the enlisted men; and

WHEREAS, Sammy Davis, Jr. was extremely moved at the Northern Nevada National Conference for Christians and Jews when he was awarded their highest honor, the National Humanitarian Award; and

WHEREAS, Because of his generosity, concern and support, there is a Sammy Davis, Jr. National Liver Institute at the University of Medicine and Dentistry of New Jersey in Newark; and

WHEREAS, Sammy Davis, Jr. first performed at Harrah's in March 1961, at Lake Tahoe, and he continued to entertain more audiences than any other entertainer at Harrah's with his final public performance at Harrah's Tahoe in September 1989; and

WHEREAS, In appreciation of Sammy's "lifetime contract" with Mr. William F. Harrah, the showroom at Harrah's Reno will be dedicated to his memory when it is named "Sammy's Showroom" on April 19, 1991; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature hereby designate April 19, 1991, as Sammy Davis, Jr. Day in Nevada in recognition of a man who dedicated his life to bringing happiness into the world through his enormous talent in the world of entertainment and his tireless efforts on behalf of charitable organizations; and be it further

RESOLVED, That members of the Nevada Legislature extend their condolences to the friends and family of Sammy Davis, Jr.; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Altovise Davis, the loving wife of Sammy Davis, Jr.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry, Myrna Williams and Carpenter.

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I am honored to be one of the major sponsors of the Sammy Davis, Jr. resolution. As the Chief Clerk read, Sammy Davis began performing when he was three years old. If some of you have seen the clippings from the older years, when he looked like a midget, I understood they were selling his act as though he were an adult, but he was only three years old.

I never had the opportunity to meet Mr. Davis in person but because of his closeness in the performing arts as a singer, dancer, musician, actor and comedian, it was hard not to know him and feel close to him. Also, Mr. Speaker, and to this body, I can say Mr. Davis was deeply concerned about Nevada because they called him "Mr. Entertainer." He was really "Mr. Nevada" because he spent most of his entire life here. In note with that, the Harrah's Reno will be naming the showroom after Mr. Davis. I feel that is a lifelong friendship. Nevada feels very strongly about him and we wanted to show our deep concern toward Mr. Davis.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in support of this resolution. I had the good fortune, because of my family background, to have known Sammy from the time I was a little girl. It was a very close, warm personal friendship between Sammy's family and my family. We shared many very fine times and there were many tough times. I had to laugh when my colleague talked about Sammy being small in stature. Maybe, physically, but certainly not as a person. He was a giant. He was a giant, not just as an entertainer but as a person and friend. I cannot tell you how deeply, those of us who knew him well and shared some of our lives with him as he shared his life with us—how deeply we feel about this. I don't think there is much we could name that would really do justice to Sammy Davis.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. Sammy Davis was an entertainer that people in my generation could relate to. Whenever you saw him on stage, or heard him on radio, or saw him on TV, he always made you feel good. So this is a "feel good" resolution and I think we ought to vote for it.

Resolution adopted unanimously.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 49—Providing for the compensation of the clergy for services rendered to the Assembly and Senate during the 66th session of the Nevada Legislature.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 542—An Act relating to public utilities; delaying for another biennium the prospective expiration of the provision requiring

public utilities to pay assessments for certain expenses incurred by the public service commission of Nevada; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 543—An Act relating to state emblems; designating the "Mountain Men Ballet" as the official state ballet of the State of Nevada; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 544—An Act making an appropriation for a correctional facility for serious and chronic juvenile offenders; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 545—An Act relating to the recall of public officers; making definite the times within which a petition must be circulated and an election held; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Spriggs, Arberry and Dini:

Assembly Bill No. 546—An Act relating to services for the care of children; requiring the licensing of outdoor youth programs; establishing standards for the operation of outdoor youth programs; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Johnson, Anderson, Carpenter, Petrak, Scherer, Sader, Freeman, Norton, Wendell Williams, Wong, Haller, Goetting, Bache, Gregory, Bennett, Callister, Evans, Arberry and Myrna Williams:

Assembly Bill No. 547—An Act relating to air quality; authorizing the state environmental commission to adopt regulations relating to indirect sources of air contaminants that are not inconsistent with any federal law or regulation; authorizing the governing bodies of cities and counties to enforce any state or federal regulations or any regulations they adopt relating to

indirect sources of air contaminants to the extent that enforcement is not inconsistent with any state regulation or any federal law or regulation; and providing other matters properly relating thereto.

Assemblyman Johnson moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Giunchigliani, Myrna Williams, Evans, Wendell Williams, Norton, Spitler, Bache, Garner, Sader, Krenzer, Heller, Goetting, McGinness, Price, Marvel, Arberry, Anderson, Johnson, Haller, Bennett, Freeman, Petrak, Spriggs, Carpenter, Elliott, Gibbons, McGaughey, Hardy, Gregory, Callister, Humke, Stout, Porter and Dini:

Assembly Bill No. 548—An Act relating to aging persons; creating the office of ombudsman for aging persons within the aging services division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Health and Welfare and Ways and Means.

Motion carried.

Senate Bill No. 149.

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

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 397, 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2059), requested by the Committee on Health and Welfare, be introduced by individual assemblymen.

Remarks by Assemblyman Arberry.

Roll call on Assemblyman Arberry's motion.

YEAS—41.
NAYS—None.
Absent—Price.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 549—An Act relating to minerals; requiring timely payment of the money derived from the sale of the production from an oil or

gas well located in the state; providing for payment of that money into an escrow account in certain circumstances; requiring interest on untimely payments; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 424.

Bill read third time.

Remarks by Assemblyman Elliott.

Conflict of interest declared by Mr. Speaker.

Roll call on Assembly Bill No. 424:

YEAS—35.

NAYS—Garner, Norton, Porter, Scherer, Wong—5.

Absent—Price.

Not voting—Mr. Speaker.

Assembly Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Assembly Bill No. 429:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 91:

YEAS—41.

NAYS—None.

Absent—Price.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 114.

Bill read third time.

Remarks by Assemblymen Spitler and Hardy.

Conflict of interest declared by Assemblyman Hardy.

Roll call on Senate Bill No. 114:

YEAS—40.
NAYS—None.
Absent—Price.
Not voting—Hardy.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Senate Bill No. 145:

YEAS—41.
NAYS—None.
Absent—Price.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Senate Bill No. 243:

YEAS—41.
NAYS—None.
Absent—Price.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 254:

YEAS—41.
NAYS—None.
Absent—Price.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 264:
YEAS—41.
NAYS—None.
Absent—Price.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 22, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Scherer, Bennett and Kerns as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 22.

## REMARKS FROM THE FLOOR

Assemblyman Gibbons requested that Assemblyman Petrak's remarks be entered in the Journal.

Thank you, Mr. Speaker. Through you, Mr. Speaker, to my colleagues in the Assembly. I would like to tell you a decade is a long time, ten years. I am thinking about four decades and three years ago, in 1948, and I will go to Mr. Wong, because that is the year the Cleveland Indians won the American League pennant and that was a proud time for the City of Cleveland, and it has been a long time for them.

I am thinking about going from the midwest and taking a long trip out to the far west, as we thought about it at that time, 36 months after that, in 1948. In 1951, at the University of Nevada-Reno, there were a couple of young college kids, like our Pages here, who were attending the University of Nevada-Reno, and they drew a real attachment to one another. In 1951, just four decades ago, on April 7, they decided it would be a good thing to get married and so that happened to them. I would like to introduce to you the royal family from Battle Mountain, the king and queen who have been married 40 years on April 7, and I think it's just great. They are right behind me. It is John and Willie Marvel and I would like them to stand up because they deserve a good hand. Thank you, Mr. Speaker and congratulations to these good people.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 260.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Master Jim Lewis.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Betty Sheehan,

Debbie Mariskanish, Cindy Sulorizio, Marsha Hall, Alice Baumeister, Peggy Locke, Billie Hicks, Kathy Cole, Joyce Magnuson, Sharl McVicars, and the following students from Fremont School, Carson City: Amelia Adams, Cindy Bahnsen, Danielle Brown, Courtney Erickson, Jeannie Jacobson, Sally Madera, Cecelia Mastin, Tara Nichols, Raelene Norton, Carie Ostander, Alyson Thurman, Theresa Tuohy, Jennie Baumeister, Nathen Berger, Bryon Fillmore, Michael Hall, Danny Kemp, Ben Locke, Jordaun Maenius, Andrew Maier, Chris McDaniel, Kyle Rothchild, Justin Shine, Eric Stock, Brett Sulprizio, David Zink, Trent Stevens, Joshua Vincent, Ryan Boesen, David Charles, David DeRicco, Eric Duralde, Josh Goss, James Hamtak, Caleb Haskins, Jesse Horton, Evan McQuirk, Jeremy McVicars, Ehren Miller, Patrick Rhea, Matt Richardson, Jacob Roberts, Chris Scott, Josh Temple, Kyle Troescher, Lisa Avitia, Stacey Burton, Ashleigh Casazza, Nicole Ferris, Angela Hansen, Amanda Heiderman, Miriam Henderson, Claire Jaquette, Kellie Karasek, Kellie Linn, April Schultz, Pamela Williams, Jesse Beeson, Jon Bloomfield, Mark Ceccarelli, Ben Fowles, Matthew Hohl, Matt Leck, Paul Mack, Si McIntire, Shane Pennino, Nick Reindardt, Jared Roberts, Christian Rough, Kyle Thomas, Zach Tucker, Justin Wass, Mike Williford, Heather Adams, Cindy Boldrick, Claire Elam, Monique Granada, Shera Gross, Karalyn Heath, Daphne Keechler, Ann Libby, Sarv Long, Kali Richey, Vanessa Schow and Nina Zatarain; the following 4-H members: Mss. Lorna Porter, Laura Morris, Joleen Feyder and Heather Hawkins.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Adam Koehm and Rick Lambert.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Scott Harjo and Luke Volkmar.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 22, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-SECOND DAY

CARSON CITY (Monday), April 22, 1991

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Let us pray. Our Heavenly Father, we give You thanks today for the presence of those who have served our state in previous legislative sessions. Help us always to place self-confidence over self-interest, humility over pride, and principle over partisanship. We pray that during all our deliberations and in all our decisions, You keep us mindful of the people who elected us to this legislative body. In Your holy and blessed name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 146, 246, 249, 280, 308, 367, 375, 455, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2105), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Myrna Williams.

Motion carried unanimously.

Assemblyman Wendell Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1994), requested by the Committee on Education, be introduced by individual assemblymen.

Remarks by Assemblyman Wendell Williams.

Motion carried unanimously.

By Assemblymen Spriggs, Dini, Garner, Myrna Williams, Elliott, Stout, Little, Bennett, Petrak, Krenzer, Kerns, Evans, Porter, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Anderson, Pettyjohn, Bache, Lambert, Freeman, Bergevin, Sader, Callister, Arberry, Price, Johnson, Gregory, Wong, Gibbons, Giunchigliani, Norton, Hardy, Marvel, McGaughey, Humke, Heller, Goetting and Carpenter:

Assembly Concurrent Resolution No. 50—Memorializing former legislator from Mineral County, Warren E. Johnson.

WHEREAS, The Legislature of the State of Nevada notes with sorrow and regret the recent passing of Warren Ethridge Johnson on March 23; and

WHEREAS, Warren Johnson was born on February 14, 1912, in Manassa, Colorado, to Thomas and Phoebe Jensen Johnson; and

WHEREAS, Warren Johnson and Doris Christensen were married on March 24, 1940, in Reno, Nevada; and

WHEREAS, After graduating from Capital College of Pharmacy in Denver, Colorado, Warren Johnson moved to Hawthorne where he owned Johnson's Pharmacy in Babbitt from 1951 to 1972; and

WHEREAS, Mr. Johnson represented Mineral County in 1963 and was chosen as "Outstanding Legislator" during that session; and

WHEREAS, While serving as an Assemblyman, Mr. Johnson was responsible for Nevada's first civil rights legislation and for eliminating the practice of selling babies on the black market; and

WHEREAS, Mr. Johnson was preceded in death by a daughter, Catherine, and is survived by his wife Doris, of Carson City, and three sons, Dale of Carson City, David of Gardnerville and Tom of Bountiful, Utah; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the Nevada Legislature extend their heartfelt condolences to the family of Warren Johnson for the loss they have suffered; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Doris Johnson.

Assemblyman Spriggs moved the adoption of the resolution.

Remarks by Assemblyman Spriggs.

Resolution adopted unanimously.

Assemblyman Spriggs moved that all rules be suspended and that Assembly Concurrent Resolution No. 50 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:10 a.m.

## ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Price, Giunchigliani, McGinness, Anderson, Humke, Petrak, Wendell Williams, Pettyjohn, Goetting, Heller, Spitler, Myrna Williams, Arberry, Stout, Marvel, Evans, Callister, McGaughey, Freeman, Elliott, Bergevin, Johnson, Norton, Scherer, Carpenter, Wong, Garner, Haller, Bache, Spriggs, Little, Hardy, Gregory, Lambert, Bennett, Krenzer, Kerns, Porter, Bayley, Gibbons and Sader:

Assembly Resolution No. 6—Designating Monday, April 22, 1991, as Old Timers' Day in the Assembly.

WHEREAS, Legislative service is true public service, requiring personal and professional sacrifice for the benefit of the people of this state; and

WHEREAS, Nevada has been fortunate that the men and women who have served in its Legislature have willingly made the sacrifice, and have represented their constituents with unparalleled distinction; and

WHEREAS, On April 22, 1991, many of the outstanding Legislators from prior sessions will once again descend upon Carson City to renew old friendships and rekindle old memories; and

WHEREAS, The current members of the Nevada Assembly understand and appreciate the sacrifice, dedication and hard work of these former Legislators, and wish to commend them for their service to the people of this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of this body hereby designate Monday, April 22, 1991, as Old Timers' Day in the Nevada Assembly out of respect and admiration for the contributions made to this state by all former Legislators; and be it further

RESOLVED, That the "old timers" in attendance are urged to reminisce and share their experiences with the current members of the Assembly and with one another.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter, Myrna Williams, Evans and Price.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Mr. Speaker, it is wonderful to have all of these former legislators here with us today. Their accomplishments speak for themselves. It's kind of funny, though, about the Nevada legislature; we are getting quite a turnover around here. A lot of people are here that I served with and I have only been here three terms. I look around and see a lot of faces that I became friends with during my past terms.

There is one thing about serving in this body, Mr. Speaker, and that is once you are here, it's kind of a large fraternity because there is a certain amount of respect that we all develop for each other, having gone through campaigns, having fought the battles and having ultimately served here. Once you have made it to a sine die, especially under Mr. Jeffrey's reign, you have earned your stripes. Hopefully, Mr. Speaker, we won't break his two previous records and we will do our best to get out of here. Thank you.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. As I look around, I see many friends and people that I have known over the years, people I have served with and people who were serving here when I was coming up here yelling and screaming at them the way that people yell and scream at us now. I thought your choice of words was very interesting in that you said, "they were descending upon us." That could mean almost anything. I am not sure "old timer" is exactly the phrase we want to use. Most of the people I see around here are extremely vigorous and do great things in their communities. Many of them are very young. They are all young at heart, chronologically they are very young. Some of them who have been around for a long, long time have done more for this state in their lifetimes than almost anyone I can think of. We welcome them and are pleased to have them with us.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Never short of words here, I guess I am already looking forward to the day when I am going to be an "old timer." Many more sessions like this and a lot of us will be looking for retirement. To all of you who have been here, who have been our predecessors, we owe you a great debt of gratitude for your years of service to the legislature. You have established many fine traditions that we are trying to uphold and if we can get out of here setting a record on the other end, instead of the longest session, decreasing it this time, we think that we will have served you very well. We are pleased that you are here. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body and all of our honorable guests. It's a real pleasure seeing so many old friends, vigorous old timers, of which I am surrounded by a couple of beautiful old timers over here. At any rate, we are so pleased to see you and to extend our thanks for what you did over the years and the precedents and the traditions that you built. I hope that we follow. My only complaint is, how come you didn't get the pay up before we got here. Seriously, it is so good to see everyone and we are looking forward to the rest of today and our lunch together.

Resolution adopted unanimously.

Assemblyman Garner moved that Assembly Bill No. 284 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 309 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Garner moved that Senate Bill No. 301 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 51—Amending the Joint Rules of the Senate and Assembly for the 66th legislative session to allow individual legislators to introduce simple and concurrent resolutions that were requested by standing committees.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 550—An Act relating to medical professionals; revising the provisions governing the authority of registered nurses; authorizing certain advanced practitioners of nursing to prescribe controlled substances, poisons, dangerous drugs and devices pursuant to a protocol upon certification by the state board of nursing; clarifying various provisions regarding the prescription of controlled substances, poisons, dangerous drugs and devices; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 551—An Act relating to labor; providing that personal care attendants are independent contractors for purposes of industrial insurance and unemployment compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 552—An Act relating to medical laboratories; requiring laboratories to bill the patient directly for cytologic examination of gynecologic specimens; providing certain exceptions; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 553—An Act relating to gaming; deleting the requirement that the Nevada gaming commission approve the enforcement of certain security interests; authorizing the appointment of a supervisor when a gaming license is surrendered; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 554—An Act relating to gaming; changing the designation of "junket representative" to "independent agent"; allowing an independent agent to provide certain services and property without first procuring a state gaming license; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 555—An Act relating to gaming; clarifying the prohibition against a person under the age of 21 years from placing wagers at or collecting winnings from a gambling game, slot machine, race book, sports pool or pari-mutuel operator; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 556—An Act relating to the taxicab authority; creating the position of deputy taxicab administrator; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 557—An Act relating to vehicle licensing; authorizing the issuance of special license plates to members of the board of regents and members of the state board of education; authorizing the issuance of special collegiate license plates; making various changes to the fees charged for special license plates; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 558—An Act relating to education; allowing certain persons who teach students in the junior reserve officers' training corps to be licensed as teachers; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 559—An Act relating to taxation; authorizing certain counties to impose a tax for the support of the family court in the judicial district that includes the county; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Wendell Williams and Arberry:

Assembly Bill No. 560—An Act making an appropriation to the department of human resources for the support of the tutorial program for economically disadvantaged youths at the Doolittle Community Center; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Wendell Williams, Arberry, Price, Porter, Callister, Spitler, Bache, Stout, Goetting, Giunchigliani, Norton, Garner and Little:

Assembly Concurrent Resolution No. 52—Directing the Department of Transportation to exhaust every possibility to avoid closure of a certain interstate highway access ramp.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 28.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 397.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 494.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 13.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 107.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 108 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 414 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 416 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 28.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Senate Bill No. 28:

YEAS—42.

NAYS—None.

Senate Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

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

Amendment No. 302.

Amend section 1, page 1, line 15, after "2." by inserting: "*The governing body shall, as a condition of issuing or renewing the business license related to each such commercial building, require the submission by the applicant of a signed affidavit attesting to his compliance with the ordinance.*

*3.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

The following amendment was proposed by Assemblyman Myrna Williams:

Amendment No. 337.

Amend section 1, page 1, line 11, after "*(c)*" by inserting: "*Building which is owned by or leased to the state or a political subdivision thereof and located within the jurisdiction of the governing body place the number of its street address on the front of the building in such a manner that the police, fire department and other persons responding to an emergency can readily locate the building.*

*(d)*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams, Bergevin and Garner.

Amendment adopted.

The following amendment was proposed by Assemblyman Myrna Williams:

Amendment No. 336.

Amend section 1, page 1, line 12, after "*on the*" by inserting: "*front of the*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 309.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 309:

YEAS—42.

NAYS—None.

Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 301.

Bill read third time.

Remarks by Assemblymen Bennett and Heller.

Roll call on Senate Bill No. 301:

YEAS—42.

NAYS—None.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 69, 78, 409; Senate Bill No. 76; Assembly Concurrent Resolution No. 47.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Artie Valentine, Gene Evans, Dan Poggione, Corky Lingenfelter, Angelo Petrini, Carl Shelly, Chet Christenson, Rodney Reynolds, Bud Hardesty, John Giomi, Mesdames Louise Smith, Gerry Giomi and Mr. Robert Laxalt.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Woodrow Wilson.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Hayes.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Perry, Jr.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Edward "Ted" Dotson.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Vaughan.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bruce Bogaert.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Regan.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Weise and David Nicholas.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Schofield.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patty Cafferata.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. George Hawes.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Albert Wittenberg.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Marv Humphrey, Louis Capurro, Harry Swanson and Carl Fuetsch.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ian Ross.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Harold Fitz.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marian Howard and Mr. Ray Knisley.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Schofield.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Guild Gray.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Jeffrey.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Vonne Chowning and Barbara Pennington.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bob Thomas.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jane Ham.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 23, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-THIRD DAY

CARSON CITY (Tuesday), April 23, 1991

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Let us pray. Almighty God, our Creator, Redeemer and Sustainer, we pray for Your continuing blessing upon the elected officials and representatives of our nation, state and local communities—especially the Assemblymen and Assemblywomen from throughout Nevada. We give You thanks for the privilege of living in this beautiful state which You have given to us in Your bountiful creation. Help us always to behold Your gracious hand in all Your works and help us to act accordingly. In Your holy name we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 92, 294, 333.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 134, 140, 147, 154, 167, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 50.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 274, 393.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 117, 247.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 108 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 28:

YEAS—42.

NAYS—None.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 397.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 397:

YEAS—42.

NAYS—None.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 413.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 413:

YEAS—42.

NAYS—None.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 494:

YEAS—42.

NAYS—None.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Arberry and Little.

Assemblyman Elliott requested that Assemblyman Little's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this honorable body. I feel the bill is very worthwhile but the problem I have with it is as Congressman Bilbray stated, "the more that we ask from Congress, the more regulations we have in this state." I prefer it at a state level and I will be voting "no."

Roll call on Assembly Joint Resolution No. 13:

YEAS—37.

NAYS—Carpenter, Goetting, Little, Pettyjohn, Stout—5.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 107:

YEAS—42.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 108:

YEAS—42.

NAYS—None.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 17—Creating a committee of Legislators from Nevada to meet with Legislators from California to review the Tahoe Regional Planning Compact.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 53—Suspending action on the budget for the Tahoe Regional Planning Agency until the Agency makes certain changes in its manner of operation.

Assemblyman Garner moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Johnson:

Assembly Bill No. 561—An Act relating to marriage; making various changes relating to marriage licenses; and providing other matters properly relating thereto.

Assemblyman Johnson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Johnson and Petrak:

Assembly Bill No. 562—An Act relating to county clerks; increasing certain fees charged by county clerks; and providing other matters properly relating thereto.

Assemblyman Johnson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 563—An Act relating to the division of land; allowing the planning commission, if authorized by ordinance, to approve reversionary maps and corrections of errors and omissions in maps; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 564—An Act relating to criminal procedure; authorizing a plea of guilty or nolo contendere to another offense to be withdrawn if court rejects recommendation for punishment agreed upon by defendant and district attorney; revising the provisions that govern a judgment of acquittal; expanding the right of a defendant in a criminal case to appeal an issue of prior jeopardy in certain circumstances; and providing other matters properly relating thereto

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 565—An Act relating to controlled substances; making various changes concerning controlled substances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Health and Welfare and Judiciary.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 566—An Act relating to the legislature; requiring the legislature to adjourn during the fourth and fifth calendar weeks of each regular session; authorizing the director of the legislative counsel bureau to make necessary arrangements in preparation for the adjournment; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Myrna Williams, Dini, Anderson, Freeman, Norton, Elliott, Carpenter, Wong, Kerns, Giunchigliani, Garner, Porter, Evans, Sader, McGaughey, Lambert, Callister and Spitler:

Assembly Bill No. 567—An Act relating to planning; requiring a public utility to report the location of each utility easement it holds to the planning commission of each city, county or region in which the utility easement is located; providing for the termination of a utility easement upon the failure of a public utility to report it; requiring a utility easement to be included in a regional plan and in the master plan of a city or county; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Johnson, Sader, Lambert, Haller, Gibbons, Freeman, Kerns, Humke, Evans, Anderson and Elliott:

Assembly Bill No. 568—An Act relating to the City of Reno; revising the charter of the City of Reno to require the election of certain councilmen by voters in their respective wards; and providing other matters properly relating thereto.

Assemblyman Johnson moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 569—An Act relating to gaming; increasing the license fee based upon the gross revenue of gaming licensees; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 570—An Act relating to taxation; revising the date by which the department of taxation is required to mail to a taxpayer a copy of

the certificate of the amount of net proceeds of minerals and the tax due thereon; revising the date the payment of the tax on the net proceeds of minerals is due; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 117.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 247.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 274.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 393.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 146.

Bill read second time.

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

Amendment No. 281.

Amend section 1, page 2, by deleting lines 10 through 12 and inserting: "regulations or ordinances shall be punished by a fine not to exceed $100 or by imprisonment not to exceed 1 month, or by both fine and imprisonment.

*(f) Provide that any industrial user who violates a federally mandated standard shall be punished by a fine not to exceed $1,000 per day for each day the violation continues.*".

Amend the title of the bill by deleting the second line and inserting: "by an industrial user of any federally mandated standard; and providing".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

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

Amendment No. 188.

Amend section 1, page 2, line 12, by deleting "*6*" and inserting "*7*".

Amend sec. 2, page 2, line 36, by deleting: "*5 and 7,*" and inserting: "*6 and 8,*".

Amend sec. 2, page 2, by deleting lines 41 through 43 and inserting:

"*4. Firemen who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firemen so assigned is entitled to receive 1/26 of his annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:*

*(a) Twenty-four hours in one scheduled shift; or*

*(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.*

*The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firemen. In addition to the regular amount paid such a fireman for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.*

*5. The director, with the approval of the commission, shall adopt regulations to carry out the provisions of subsection 4.*".

Amend sec. 2, page 2, line 44, by deleting "*5.*" and inserting "*6.*".

Amend sec. 2, page 3, line 4, by deleting "*6.*" and inserting "*7.*".

Amend sec. 2, page 3, line 12, by deleting "*7.*" and inserting "*8.*".

Amend sec. 2, page 3, line 15, by deleting "*8.*" and inserting "*9.*".

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 284.350 is hereby amended to read as follows:

284.350 1. Except as *otherwise* provided in subsections 2 [and 3,] , *3 and 4,* an employee in the public service, whether in the classified or unclassified service, is entitled to annual leave with pay of 1¼ working days for each month of continuous public service. The annual leave may be cumulative from year to year not to exceed 30 working days. The department may by regulation provide for additional annual leave for long-term employees, and for prorated annual leave for part-time employees.

2. Any annual leave in excess of 30 working days must be used before January 1 of the year following the year in which the annual leave in excess of 30 working days is accumulated or the amount of annual leave in excess of 30 working days is forfeited on that date except that if an employee:

(a) On or before October 15, requests permission to take annual leave; and

(b) His request for leave is denied in writing for any reason,

he is entitled to payment for any annual leave in excess of 30 working days which he requested to take and which he would otherwise forfeit as the result of the denial of his request. The payment for the employee's unused annual leave must be made to him not later than January 31.

3. Officers and members of the faculty of the University of Nevada System are entitled to annual leave as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

4. *The director shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40-hour week accrue annual leave.*

*5.* No elected state officer may be paid for accumulated annual leave upon termination of his service.

[5.] *6.* During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.

[6.] *7.* No employee in the public service may be paid for accumulated annual leave upon termination of employment unless he has been employed for 6 months or more.

Sec. 4. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as *otherwise* provided in subsections 2 [and 3,] *, 3 and 4,* all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1¼ working days for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which he is entitled to carry forward from one year to the next is limited to one-half of the unused sick leave accrued during that year, but the department may by regulation provide for subsequent use of unused sick leave accrued but not carried forward by reason of this limitation in cases where the employee is suffering from a long term or chronic illness and has used all sick leave otherwise available to him. Upon the retirement of an employee, his termination through no fault of his own or his death while in public employment, the employee or his beneficiaries are entitled to payment for his unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to his number of years of public service, except service with a political subdivision of the state, as follows:

(a) For 10 years of service or more but less than 15 years, not more than $1,500.

(b) For 15 years of service or more but less than 20 years, not more than $2,500.

(c) For 20 years of service or more, not more than $3,500.

The department may by regulation provide for additional sick and disability leave for long-term employees, and for prorated sick and disability leave for part-time employees.

2. Officers and members of the faculty of the University of Nevada System are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

3. The department may by regulation provide policies concerning employees with mental or emotional disorders which will:

(a) Utilize a liberal approach to the granting of sick leave or leave without pay when it is necessary for them to be absent for treatment or temporary hospitalization.

(b) Retain their jobs for reasonable periods of absence, and where extended absence necessitates separation or retirement, reemploy them if at all possible after recovery.

(c) Protect employee benefits such as retirement, life insurance and health benefits.

4. *The director shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.*

5. The department may investigate any instance in which it believes that an employee has taken sick or disability leave to which he was not entitled. If, after notice to the employee and a hearing, the commission determines that he has in fact taken sick or disability leave to which he was not entitled, the commission may order the forfeiture of all or part of his accrued sick leave.".

Amend the title of the bill, fourth line, after "employees;" by inserting: "requiring the director of the department of personnel to establish a schedule for the accrual of annual and sick leave for certain employees;".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 246.

Bill read second time.

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

Amendment No. 200.

Amend section 1, page 1, by deleting lines 2 through 25 and inserting:

"277.050 1. As used in this section, "public agency" includes the United States or a department or agency [thereof, the State of Nevada or a department or agency thereof,] *of the Federal Government,* a county, [Carson City,] a public corporation and a public district.

2. Without a vote of the electors of a public agency first being had, the governing body *of the agency* may:

(a) Sell or exchange to another public agency [any unused real property belonging to it, which, at the time of delivery of title or possession, is no longer required for public use by the selling or exchanging public agency.] , *or to the State of Nevada or a department or agency of the state; or*

(b) Lease to another public agency, *or to the State of Nevada or a department or agency of the state,* for a term not exceeding 99 years, any [unused] real property belonging to it . [, which, at the time of delivery of possession, is no longer required for public use by the lessor public agency.]

3. A sale or exchange may be:

(a) Negotiated without advertising for public bids.

(b) Made for cash or property, or for part cash and property, or for part cash and terms of deferred payments secured by mortgage or deed of trust, but the purchasing public agency *or entity* or exchanging public agencies *or entities* shall, except as *otherwise* provided in NRS 277.053, pay or convey property worth an''.

Amend sec. 2, page 2, by deleting lines 33 through 41 and inserting:

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

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

''An Act relating to cooperative agreements; removing certain obsolete provisions relating to the sale, lease or exchange of land by the State of Nevada; removing''.

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblymen Bennett and Anderson.

Assemblyman Anderson moved that Assembly Bill No. 246 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 249.

Bill read second time.

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

Amendment No. 224.

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

''Section 1. NRS 288.170 is hereby amended to read as follows:

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee shall not be a member of the same bargaining unit as the employees under his direction. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the board. *An employee organization which is negotiating on behalf of two*

*or more bargaining units may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.*

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the board. Subject to judicial review, the decision of the board is binding upon the local government employer and employee organizations involved. The board shall apply the same criterion as specified in subsection 1.

6. As used in this section, "confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining.".

Amend the bill as a whole by deleting the text of repealed sections.

Amend the title of the bill to read as follows:

"An Act relating to collective bargaining; authorizing employee organizations to engage in joint negotiations on behalf of certain bargaining units; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes joint negotiations during collective bargaining by certain bargaining units. (BDR 23-656)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 358.

Amend section 1, page 2, by deleting lines 4 and 5 and inserting: "*ordered by a court pursuant to NRS 178.3975.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 308.

Bill read second time.

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

Amendment No. 360.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 244.014 is hereby amended to read as follows:

244.014 In each county whose population is 100,000 or more but less than 400,000:

1. At the general election in 1976, and every 4 years thereafter, two county commissioners must be elected respectively from two of the county commissioner election districts established pursuant to this chapter.

2. At the general election in 1978, and every 4 years thereafter, three county commissioners must be elected respectively from three of the county commissioner election districts established pursuant to this chapter.

3. The board of county commissioners shall establish five county commissioner election districts which must be as nearly equal in population as practicable. [If the county comprises no partial assembly districts and a number of whole assembly districts that is evenly divisible by the number of county commissioners, each county commissioner election district must be composed of a number of contiguous and undivided assembly districts equal to this quotient.

"Assembly district," as used in this subsection, means one of the districts established by NRS 218.057.] *Each such district must be composed of entirely contiguous territory and be as compact as possible.*".

Amend section 1, page 1, by deleting line 17 and inserting: "*than 5 percent.*

*3. Any county which desires to change the boundaries of districts pursuant to subsection 2 shall petition the executive director of the department of taxation to have the current estimated population and the deviations of its county commissioner election districts verified at the time the annual population of cities and counties are determined and certified pursuant to NRS 360.283 and 360.285.*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

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

Amendment No. 260.

Amend section 1, page 1, line 9, by deleting the bracket.

Amend section 1, page 1, line 10, by deleting the bracket.

Amend section 1, page 1, between lines 13 and 14, by inserting:

"*3. Financial statements and other schedules required for internal service funds must be prepared in accordance with generally accepted accounting principles.*".

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

"An Act relating to local financial administration; imposing generally accepted accounting principles on certain statements and schedules required for internal service funds; and providing other".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

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

Amendment No. 361.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

"(g) Software for computers; [and]

(h) Books, library materials and subscriptions [,] ;

*(i) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation; and*

*(j) Motor vehicle fuel for use in any vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government,*".

Amend section 1, page 1, line 17, by deleting "*any*".

Amend section 1, page 1, by deleting lines 19 through 22 and inserting: "*requirements of this chapter for competitive bidding if:*

*(a) The equipment is an electronic or mechanical device which by design is intended to monitor and document in a clandestine manner suspected criminal activity; and*

*(b) Purchasing the equipment pursuant to such requirements would limit or compromise the use of such equipment by an agency authorized to conduct such investigations.*".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

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

Amendment No. 312.

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

"Sec. 8. This act becomes effective upon passage and approval.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 464.

Bill read second time.

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

Amendment No. 311.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 3 through 7 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 472 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any owner of lands within the jurisdiction of the state forester firewarden shall eliminate and remove a fire hazard on his property when directed to do so by the state forester firewarden.*

*2. If the owner does not comply within the time specified by the state forester firewarden, the state forester firewarden may eliminate and remove the fire hazard and may for this purpose contract with any person for the performance of the work.*

*3. The cost incurred by the state forester firewarden in eliminating and removing the fire hazard may be recovered directly from the owner of the property or the state forester firewarden may make the cost a special assessment against the real property. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the collection and enforcement of county taxes are applicable to the special assessment.*

Sec. 2. Chapter 473 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any owner of lands within a fire protection district created pursuant to this chapter shall eliminate and remove a fire hazard on his property when directed to do so by the board.*

*2. If the owner does not comply within the time specified by the board, the board may eliminate and remove the fire hazard and may for this purpose contract with any person for the performance of the work.*

*3. The cost incurred by the district in eliminating and removing the fire hazard may be recovered directly from the owner of the property or the district may make the cost a special assessment against the real property. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the collection and enforcement of county taxes are applicable to the special assessment.*

*4. As used in this section, "board" means the board of directors of the district.*".

Amend section 4, page 3, line 17, by deleting "*1*" and inserting "*3*".

Amend the title of the bill, first line, after "authorizing" by inserting: "the state forester firewarden to remove a fire hazard from property located within his jurisdiction; authorizing certain districts receiving federal aid to remove a fire hazard from property located within the district; authorizing".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 386.

Amend sec. 2, page 1, line 16, by deleting "The" and inserting: "[The] *Except as otherwise provided in NRS 441A.150, the*".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:02 p.m.

## ASSEMBLY IN SESSION

At 12:09 p.m.

Mr. Speaker presiding.

Quorum present.

### REMARKS FROM THE FLOOR

Mr. Speaker requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Mr. Speaker, if I may under Order of Business 15. It is an appropriate day for students to be here because the Governor's Conference on Holocaust Education is taking place today and tomorrow, and dinner tonight. Hopefully, much information will come to these young people as a result of this within their schools and within their educational framework. If I may, I have an informal resolution I would like to read, with your permission, Mr. Speaker.

WHEREAS, The year 1991 marks the 50th anniversary of the beginning of the dark period in human history known as "The Holocaust"; and

The 1989 Nevada Legislature, in understanding that only through a constant program of education will our universal society learn history's lesson, created the Governor's Advisory Council on Education Relating to the Holocaust; and

WHEREAS, The Nevada Legislature directed the Advisory Council to develop programs for the education of children and adults in issues relating to the Holocaust and to prepare to host an international conference on the Holocaust in Nevada in 1991; and

WHEREAS, The Governor's Conference on "The Universal Implications of the Holocaust" is being held today and tomorrow, April 23 and 24, in Reno, Nevada; and

WHEREAS, The Governor's Conference is extremely honored to present internationally renowned Dr. Elisabeth Maxwell as the keynote speaker at this evening's dinner; and

WHEREAS, The Governor's Conference will provide teachers and other professionals in the medical, legal and religious professions with opportunities to explore

some of the significant questions related to Holocaust study, including how people with great ethical, intellectual and professional standards could have been enlisted in such an amoral and inhuman cause and, more importantly, under what conditions could this happen again; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Governor's Advisory Council on Education relating to the Holocaust, Edythe Katz, John Henry Brebbia, Hy Kashenberg, Gene Greenberg, Norman Kaufman, William Marion, Dr. Vern Mattson, Karla McComb, Dr. Dennis Ortwein, Dr. Eugene Paslov and Dr. Leonard Weinberg, be commended for their outstanding service to the State of Nevada; and be it further

DECLARED, That we should forever remember the words of Telford Tayler, "The story of the Holocaust is not a Jewish story. Nor is it a German story. The import of the Holocaust transcends all lines of race or religion; it is of human significance."

Thank you.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 145, 254, 264.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Ian Prater, Kyle Kutscherousky, Jeremy Malekoy, Jodi Scott, David Espinosa, Mss. Trish Keese, Yvette Allen, Becky Sharp, Heidi Hicks, Christina Govatos and Vanessa Thompson.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Lanfair, Matt Furner, Josh Byers and Ms. Jennifer Hilke.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Tasha Sorensen and Camille Keller.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tangy Black and Ms. Shannon Keast.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Monica Heiselbetz and Mr. Jeremy Klomp.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Hulse and Craig Woodward.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lisa Barbee and Mr. Matt Russell.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Paul Blonsky and Ms. Lara Frank.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Joel White, Kyle Prior, Jesus Sandoval and Casey Uhlig.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Teresa Breeden and Emily Keller.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cynthia Pattee and Mr. Bryan Hansen.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Devon Reese and Mr. John Donahoe.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Michelle Simmons and LeAnne Lawrence.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Matt Zimmerman and Ms. Regina Morris.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shannon Kennedy and Jennifer Muirhead.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Korie Victory and Michelle Jones.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tiffany Thompson and Mr. Randy Lamoreaux.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Aaryn Walker and Ms. Michelle Cunning.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Manish Jain and David Boucher.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Trevor Hesse, Jeff Clish, Mesdames Cathy Harrison, Debbie Bates and the following students from St. Teresa School: Christian Abbott, Jason Bacigalupi, Brooke Bishop, Benjamin Borst, Naomi Foltz, Tedra Gavin, Molly Graber, Joshua Herqet, Ryan Hoerth, Joshua LaChew, Tracy Lee, William Nelson, Jana Schellin, Rebecca Schoenfeldt, Michael Shafer, Michelle Sharp and Kody Bates.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Michelle Mendenhall, Mesdames Strasser, Thomas, Mr. Rotsma and the following students from Pine Middle School, Reno: Wade Alton, Robert Anderson, Jay Bailey, Kathrine Beers, Christina Botnen, Kathryn Brown, Matthew Callahan, Gary Camenisch, Marissa Christman, Alex Cox, Mathew Dorangricchia, Matthew Erickson, Jennifer Estum, Michael Folgner, Brian Hurst, Brian Kerr, Charles Lowman, Brianna Mitchell, Ellen Osborn, Heather Peaden, Ryan Peirce, Wesley Reeves, Thomas Reinhardt, Dikla Reiss, Mellissa Short, Debra Sloan, Shannon Souza, Dana Stutes, Erika Tauchen, David Whittemore, Adrienne Wonhof, Justin Brown, Robert Atkinson, Beth Austin, Suzanne Brick, Jeffrey Bridges, Lynn Bustamante, B. J. Dearrieta, Damion Diehl, Jennifer Donohue, Melanie Dunton, Mark Erickson, Jeffrey Gaither, Megan Gill, Catherine Hendrick, Tenasha Hildebrand, Kelly Hinton, Charles Hunt, Marie Johnson, Meghan Kaminski, Ryan Koger, Shayna Martin, Ryan Monaghan, Lisa Naunmann/Gallues, Jill Olson, Jahnell Pereira, Kristen Power, Kelly Ricciardi, Jennifer Schlatter, Theresa Sloan, Jason Surrett, Dylan Tanner, Eric Troska and Steven Tuttle.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Africa Kelley and Mr. Dustin Reed.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeffie Glover and Ms. Laura Sewell.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tanya Barlow.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shireen Johnson and Rebecca Cook.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ryan Irvine.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Leslie Dahl and Lisa Reben.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Karen Eldridge, Stephanie Cobb, Ray Lynn Rose, Maryann Leynes, Jennifer Frey, Mr. Terry Beland, Mss. Angie Woodruff, Holly Erickson, Julie Miguel, Judy Harvey, and the following students from Churchill Junior High School: Melissa Banovich, Shawn Davis, Tony Shaw, Ted Webb, Tony Enearl, Mike Heatly, Patrick Owens, Joseph Pendleton, C. J. Peters, Becky Jones, Clifford Killins, Frank Balke, Elizabeth Ham, Marlene Cherry, Dax Tucker, Jeremy Evans, Michon Warbington and Tina Bell.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kim Shaver, Ann Zugazaga, Jackie Arnold, Messrs. Joe Gottschalk, Sergio Bervmen, Jerry Key and Scott Zaual.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amie Steel.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Megan Roze, Gretchen Sauer, Sharee Lytle and Mr. Shane Perkins.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Christopher Jones and Gary Chandler.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Duane Seal and Jason Warr.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kelly Smith, Noliena Frazier, Messrs. Brett Broughton and Johuna Byrd.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Paula Ford.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Heather Weible and Christian Yeager.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kelly Smith and Katie Lane.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dawn Dickens and Kietha Jackson.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Christian Brebbia, Cari Young and Angelei Thompson.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Pearson and Mr. Myron Branning.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Andrew Howlett and Ms. Andrea Cox.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Denise Easterday and Michelle Carson.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 24, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), April 24, 1991

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine L. Morgan.

Loving Father, grant us the grace to hear Your voice, understand Your message, and put Your wisdom into all decisions and actions. We ask that You continue to provide Your strength, discernment, and love as we confront situations and make difficult decisions. In the name of the One who provides His unconditional love. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was re-referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 48, 49.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 100.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Shaffer and Townsend as a first Committee on Conference concerning Senate Bill No. 22.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 80 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

## ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Norton, Bache, Gibbons and Anderson:

Assembly Bill No. 571—An Act relating to public utilities; clarifying the provision that precludes a utility from filing an application involving an increased rate, fare or charge while another application is pending; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 572—An Act making appropriations from the emergency fund of the supplemental city-county relief tax to drill and equip community wells for Tuscarora and Midas and to construct a new medical facility for the City of Wells; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 573—An Act relating to purchasing by local governments; creating an exception to the requirements for competitive bidding for purchases made with money in a store fund for prisoners in a local jail or detention facility; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 574—An Act relating to local governmental finances; authorizing a local government to pledge part of the revenue it receives from the supplemental city-county relief tax for the repayment of certain general obligation bonds and revenue bonds; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 575—An Act relating to motor vehicles; broadening the exemption of golf carts from registration and substituting a permit for their operation under limited circumstances; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 576—An Act relating to public employees; providing for the granting of administrative leave with pay for certain executive, professional and administrative public employees; requiring retroactive application of the provision to ensure compliance with federal law; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 577—An Act relating to health care; limiting increases in charges for certain care; establishing a foundation to promote nursing care; establishing a program to review disputes concerning billing by hospitals; establishing a program to provide technical assistance to rural hospitals; establishing a program to promote wellness; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 578—An Act relating to bail; increasing the period of advance notice required for exoneration of a surety for a defendant admitted to bail; requiring the court to release any bail at the time of sentencing the defendant; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goetting, Dini, Marvel, Price, McGinness, Giunchigliani, Heller, Spitler, Myrna Williams, Stout, Humke, Evans, Petrak, Bennett, Krenzer, Kerns, Bache, Bayley, Freeman, Hardy, Bergevin, McGaughey, Spriggs, Elliott, Little, Norton, Anderson, Gibbons, Wong, Gregory, Johnson, Arberry, Garner and Sader:

Assembly Bill No. 579—An Act relating to crimes; prohibiting the possession or use of a device which appears to be or is falsely represented as an explosive or incendiary device; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 422, 423, 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Assembly Bill No. 284 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

By Assemblymen Heller, Pettyjohn, Dini, Gibbons, Price, Elliott, Carpenter, Marvel, Myrna Williams, Giunchigliani, Spriggs, Hardy, Bayley, Norton, Scherer, Humke, Lambert, Bache, Goetting, Wong, McGaughey, Anderson, McGinness, Little, Freeman, Bennett, Petrak, Arberry, Wendell Williams, Porter, Callister, Evans, Bergevin, Haller, Johnson, Kerns, Gregory, Krenzer, Garner, Sader and Stout:

Assembly Joint Resolution No. 18—Urging Congress to direct certain federal agencies to disclose information concerning certain United States personnel classified as prisoners-of-war or missing-in-action.

Assemblyman Heller moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Price, Dini, Myrna Williams, Arberry, Gregory, Johnson, Wong, Gibbons, Marvel, Kerns, Bennett, Petrak, Wendell Williams, Evans, Porter, McGaughey, Humke, Spitler, McGinness, Haller, Anderson, Pettyjohn, Bache, Lambert, Goetting, Freeman, Bergevin, Sader, Callister, Carpenter, Elliott, Garner, Giunchigliani, Hardy, Heller, Krenzer, Little, Norton, Scherer, Spriggs, Stout and Bayley:

Assembly Concurrent Resolution No. 54—Granting administrative leave to legislative employees in recognition of their services to the 66th session of the Nevada Legislature.

Assemblyman Price moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assembly Concurrent Resolution No. 51.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 51 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 37.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Sader and Myrna Williams.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am pleased to stand in support of this measure. It has only been in relatively recent times that we have come to recognize that victims are sometimes victimized twice. By that, I mean, they are victimized originally by the perpetrator of the crime, and, secondly, because of insensitivity, lack of understanding and just getting caught up sometimes in procedures. The understanding that they need the sympathy, the help as they move through the system with law enforcement, with the criminal justice system, the courts, and so forth can be extremely difficult on them. As a matter of footnote, in 1981 when I was doing a lot of advocacy on behalf of victims, it was the first time that I met then District Attorney Bob Miller. When Governor Miller was DA of Clark County, he was at the forefront of the national movement for victim rights and has been given national recognition for his work in victim rights. I am pleased to see that there is ongoing work, cooperation between the public and private sector to bring attention to the importance of victim rights.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I also rise in support of this resolution. In the ten years that I have been in this body, there has been a major transformation in the attitude of the system towards victims and that includes the laws that we have passed and the way that we have approached the subject of victim's rights. It has always been a situation with crimes that the state has prosecuted crimes against the offender. It is not the victim who prosecutes the crime. In setting up that kind of system, we have started a procedure which potentially has no notice to the victim of what is happening, no opportunity to be heard and no feedback on the result. These are the areas that the legislature has addressed in the last ten years to provide victims more rights and these are the things that we talk about with victim's rights. Along with that is the realization that the people who are victimized by crimes have a healing process and a resolution of that assault that takes place, part of which is participating in the outcome of society's penalty of the offender. It is a necessary aspect to wellness of the victim.

Another aspect is education. Resolutions like this help in education of the public to understand that the victim's rights are important and that we are moving towards a society which pays more attention in the process to victims.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. There is little to add to my two colleagues' remarks; however, I would like to say that we must also recognize and commend those groups and agencies that are out there working every day with the victims of crime helping them to re-establish their lives and get past and into the healing process that my colleagues spoke about.

Resolution adopted.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

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

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 404, 439, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 28.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Assemblyman Price requested that Assemblyman Evans' remarks be entered in the Journal.

Thank you, Mr. Speaker. A.C.R. 28 was one of a series of resolutions that was proposed by the Interim Study Committee on teenage pregnancy. As you know, we have a very high rate of teenage pregnancy in Nevada and we are doing all that we can to work on the preventative side as well as on the treatment side. It was brought to our attention that the young women in our schools do not have enough information regarding this as an option. That was really the reason behind it, to answer it, to respond to their request for more information on adoption.

Resolution adopted.

## SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

Amend section 1, page 1, line 11, by deleting "*regulations*" and inserting: "*courses of study*".

Amend sec. 2, page 2, by deleting lines 13 through 18 and inserting:

"2. *The board of trustees of each school district shall incorporate into the curriculum:*

*(a) Occupational guidance and counseling;*

*(b) Home and occupational skills; and*

*(c) Technology,*

*in accordance with the courses of study adopted by the state board pursuant to*".

Amend sec. 5, page 2, by deleting lines 31 through 33 and inserting:

"2. *The board of trustees of each school district shall establish the curriculum for the course of study in that district. The curriculum must be organized and, with the assistance of teachers, administrators, pupils, parents and the business community, coordinated by licensed school counselors who shall provide*".

Amend sec. 5, page 2, by deleting line 45 and inserting:

"*(g) Provide such other related assistance and instruction as is deemed necessary.*

*3. The instruction required by this section must be made*".

Amend sec. 5, page 3, line 2, by deleting: "*course of study*" and inserting "*curriculum*".

Amend sec. 6, page 3, by deleting lines 22 through 24 and inserting: "*district may direct that the course of study be given over a 3-year period during the 6th, 7th and 8th grades.*

*4. The board of trustees in each school district shall incorporate into the curriculum the*".

Amend sec. 7, page 3, by deleting lines 37 through 39 and inserting: "*district may direct that the course of study be given over a 3-year period during the 6th, 7th and 8th grades.*

*4. The board of trustees in each school district shall incorporate into the curriculum the*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 482.

Bill read second time, ordered engrossed and to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 134.

The following Senate amendment was read:

Amendment No. 333.

Amend section 1, page 2, line 5, by deleting "*months.*" and inserting "*weeks.*".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 134.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

The following Senate amendment was read:

Amendment No. 381.

Amend section 1, page 1, by deleting line 5 and inserting: "officers and employees [.] *and*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 140.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 334.

Amend section 1, page 1, line 5, after "*credit*" by inserting: "*pursuant to subsection 2*".

Amend section 1, page 1, line 14, after "2." by inserting: "*The division may issue a letter of credit only if sufficient reserves in the funds established by the division are deposited in a separate account to be used to pay any liabilities that may be incurred by issuing the letter of credit.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 147.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 167.

The following Senate amendment was read:

Amendment No. 382.

Amend section 1, page 2, line 11, after "*or*" by inserting "*willfully violating*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 167.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Assembly Bill No. 507; Senate Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Arberry, Wendell Williams, Evans, Porter, Bache, Petrak, Bennett, Norton, Anderson, Myrna Williams, Haller, Garner, Giunchigliani, Freeman, Wong, Sader and Goetting:

Assembly Bill No. 580—An Act relating to development projects; requiring the payment of the prevailing wage rate on certain development projects; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Price, Arberry, Wendell Williams, Evans, Bache, Petrak, Bennett, Norton, Anderson, Heller, Myrna Williams, Haller, Garner, McGaughey, McGinness, Scherer, Stout, Elliott, Bayley, Little, Krenzer, Giunchigliani, Freeman, Wong, Lambert, Goetting and Humke:

Assembly Bill No. 581—An Act relating to health care; requiring an explanation and the informed consent of the patient before a procedure to insert an implant in a breast is performed; requiring the health division of the department of human resources to prepare explanation and consent forms for use by physicians performing such procedures; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 92, 294, 333; Senate Bill No. 100; Assembly Concurrent Resolution No. 50; Assembly Resolution No. 6.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathryn Garcia, Susan Pike, Lorraine Fitch, Debbie Topping and the following students from Jacks Valley Elementary School, Minden: John Bennet, Rosa Ceballos, Jeremy Cruz, Alicia Delgado, Glen Doke, Trevor Emory, Lisa EnEarl, Janessa Fitch, Lari Frazee, Kristy Garvie, Amanda Gilder, Anna Green, Sam Linn, Jackie Lopez, Melissa Maddox, David Martinez, Kyle Mays, Sam McCurdy, Adelina Montes, Adrian Musick, Linda Nerger, Julia Payne, Brandon Rhoades, Tom Schrantz, Robby Young, Anthony Anello, Brian Atwood, Doug Avey, Renee Baumann, Jim Belosic, Marjalana Brawley, Jeff Broo, Erica Burgy, Robert Canale, Megan Clemens, Jeanne Corbit, Chris-

tina EnEarl, Catherine Gordon, Archie Jessmer, David Jones, Tiffany Keffer, Serena Lash, Brandon Lewallen, Crystal Lewis, Jessica Palmer, Katie Patrick, Shane Patterson, Becky Porteh, Ryan Pursel, Erik Riekenberg and Monica Topping.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Drew Morrison.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Donna Watt.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ginger Mankins, Carol Gibson, Kathy Wurster and the following students from St. Teresa's School, Carson City: Marie Arrigotti, Nick Bauter, Sev Carlson, Chris Chatigny, Ian Covington, Cassie DiLoreto, Andy Evans, Eileen Hendricks, Christopher Jenkins, Sandra Johnson, Charlie Jones, Patrick Lyttle, Liz Pederson, Sarah Peck, Corey Re, Sandy Rieble, Marie Scott, Marc Sulprezio, Anne Ward, Rynn Wilson, Melissa Wynott, Rachelle Pederson, Samantha Peck, Heidi Nagel, Jessica Hallberg, Tammy Thiel, Kristin Moseley, Marie Peltier, Vicki St. Clair, Roy Jones, Chris Gentine, Sarah Wurster, Allison Williams, Ciara Cavin, Jessie Alferez, Sarah Howe, K. J. Crozier, Sean Sullivan, Mike DiLoreto, Ramon Cabauatan, Travis Wellems, Joe Wnorowski, Michael Chase, Jon Stafford, Lance Buoncristiani, Alexis Anastassatos, David Arrigotti, Brian Foley, Eric Abowd and Scott Keever.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Darlene Hirning and Mr. Bob Hirning.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Nicholas.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 25, 1991 at 10:00 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-FIFTH DAY

CARSON CITY (Thursday), April 25, 1991

Assembly called to order at 10:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, to whom we all must account for powers, privileges, and responsibilities. Guide the people of our beloved State of Nevada and their elected representatives—especially those here gathered—that by faithful administration and wise legislation, the rights and welfare of all our citizens may be protected and enhanced. In our Lord's name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 35, 473, 474; Senate Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 359, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2123), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 120, 345, 380, 389, 426.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 211 and requests a conference, and appointed Senators Rhoads, Shaffer and Getto as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 23 of the 65th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 91, 243.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 28, 62.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 249 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 192 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Gibbons moved that Assembly Bill No. 284 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

By Assemblymen Dini, Anderson, Arberry, Bache, Bayley, Bennett, Bergevin, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams and Wong:

Assembly Concurrent Resolution No. 55—Commending secretaries for their valuable contributions in Nevada during Secretaries' Week and throughout the year.

WHEREAS, Conscientious and efficient secretaries are essential to the proper management of any business or other organization; and

WHEREAS, The duties demanded of a secretary require sophisticated skills and the ability to assume tremendous responsibility while exercising initiative and sound judgment; and

WHEREAS, Secretaries, because of their knowledge of computer systems and ability to work with detail, have played a major role in the successful conversion to automation in many businesses and other organizations; and

WHEREAS, Accomplished secretaries devote extensive time and energy to the acquisition of requisite skills; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature of the State of Nevada commends all secretaries in this state on their valuable contributions and professionalism.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter, Spriggs, McGaughey, Petrak, Scherer, Myrna Williams, Wendell Williams, Callister, Anderson, Arberry, Bache, Carpenter, Evans, Freeman, Garner, Haller, Bayley, Bennett, Sader, Price, Marvel, Humke, Krenzer, Gibbons and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. We all have most of our secretaries here with us. Probably the most thankless job in this house other than our own, is being charged with the responsibility of keeping all of us in line and making sure that we make our committees and appointments on time. Probably the toughest thing is running interference with lobbyists. I know that the staff that Mouryne graciously gave me is excellent and we have a little cartoon that we put up the first day that has a couple of wolves trying to keep some cavemen out and underneath the caption says, "If you let them in once, they will expect it every time." Cindy is very good at that. We have a real tough policy. This place could not operate without the excellent staff that Mouryne hires and trains. From my point of view, they really help our session run smoothly. I really appreciate all they have done. Thank you.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I think it has been such a definite improvement for us to have our own secretaries or to share one. I know that it has made my job a whole lot easier. I know that you have as large a district as I do, Mr. Speaker, and never before have I had the opportunity to really correspond with my constituents the way I can now. I wanted to say how much I appreciate my secretary and all those who work here. Thank you.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. As we know in the last session, my seat mate next to me was from District 42 and she was always after me to keep my desk straight. Well, my desk is still probably about like it was but there is a great contrast in my office, a clean desk and everything is very orderly and organized. I want to thank Kay Graves, my secretary, for doing such a terrific job of getting me organized and straightened out; however she doesn't come out here, so maybe she will have to even straighten this desk up. Anyway, I want to thank her for the great job she is doing for me this year.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Chairman. Along the same lines, maybe it is because I am a notch baby, maybe it is because I am the oldest guy in this Assembly, but Kathleen Day, I don't know that she has deserted John Carpenter or myself today, but I am sitting here with an empty chair and it was to be for my super great secretary. We think an awful lot of her. She does an outstanding job, but I have to point to her because my vision is good enough to see her over there with Doug Bache. Kathleen, stand up, I think that you are the greatest. That is my girl. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I would like to comment that I have had the privilege of having two different secretaries since I have been here, both of whom have been excellent. The first one left for the bigger bucks that she could make or should I say was stolen away by our colleague from Sparks. Fortunately for my colleague from District 5 and me, our second secretary has also been excellent. They both have done a great job for us and deserve to be commended.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in support as well and would like to echo the words of Mrs. Spriggs. We have seen much more personal opportunity in this session than we have before. I think I said in a previous session that the staff is really the engine that drives this machine that we call government. We are riding very smoothly and we appreciate them very much. I appreciate my secretaries, Carol Martini and Sharon Burnham.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I rise in support of the resolution. There is one part of the resolution that was omitted that should read subject to the effect "to make a man go where life has never gone before." That would summarize what my secretary, Marilyn Cole, is all about. On the first day of the session, when I walked in the office, she said, "If you have any tears, prepare to shed them now." While the other people were speaking, I was in the process of cleaning off my desk. As most of the people who work on the front desk know, she comes down and because we are the Committee on Education, she grades my desk on the floor and in the office. I stayed up last night to clean my desk and when I got in this morning, there was a note that said, "A+." It was my first "A+" this session that I have received. Whenever I come in the office I have to salute. When I first got here, she was termed as the drill sergeant, but as many people know in my office, she has new stripes. She is now a master sergeant. Anyone who comes near that office understands what that means. I do not view her as a secretary, only in the term of the word, secretary. I view her as a co-worker because we work together. I really appreciate the things that she has done in helping not only with the Committee, because I am sure they appreciate it, but helping me personally maintain the operation of the Education Committee. I cannot find the words that would really show and tell her how much she is appreciated for the things that she has done for our Committee and myself, especially so. Wholeheartedly, I must, before I get demoted, support this resolution and urge others to do the same.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. In response to my colleague, Mr. Williams, unfortunately his master sergeant has not had the opportunity of grading my desk. For those of you who visited my office, there is little possibility that I would receive even a passing grade on my desk. On my desk we have taken to lining up the phone messages in long rows which covers the entire top of the desk. I advise visitors that it is kind of my version of a game show. It is much like Concentration. You have to get a match before I bother to return your phone call. The implication being, if you make a lot of phone calls, that enhances your chances of getting a match. I wanted to take just a moment and express my appreciation in a more serious vein to all five of the secretaries working in my office. Reba, of course, who all of you know, runs my life, not just my calendar. Patty McDaniel, Launa Martin, Dale Gray, Cheryl Thurston, all of them have done a terrific job with an extraordinary burden this session, especially in light of this scheduled closing date. They have been terrific. When I needed minutes over night to accommodate any individual members of the Committee's needs, they have been able to produce them verbatim, exhaustive minutes as you are aware from three, four and five hour meetings in Ways and Means. I just wanted to rise in support of this resolution. If I didn't, I would really be in deep trouble.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I appreciate the opportunity of speaking briefly. The opportunity of never having had a secretary to rely on for me was a new experience. The secretary that Mr. Hardy and I have the pleasure of having work with us and support what we do here, Ms. Simpson, has been beyond compare. I know that Warren thinks that she likes me best and Paulette keeps saying, "that is really not true." I know deep down, of course, that she does indeed like me best, but regardless, not only can she interpret my writing but she corrects my spelling. I really do appreciate the hard work and great effort that she puts into my office. Thank you very much.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I will make it very, very brief. I just want to compliment all the secretaries. I am very supportive of this measure because I feel that Mouryne has

developed a very good crop of ladies. They have been very friendly, very responsive, and I can say that they have taken care of the most of the concerns in all of the committees or when you have a problem. I just wanted to let this body know that we have given our corridor in our area a new title and a new name. We call that Lake Mead Boulevard. So any time you are on the third floor and you want to take a tour of our area, just come over to Lake Mead Boulevard and stop in and see my secretary, Lula Collins, who takes very good care of me or go across to the master sergeant who will take very good care of you. When you need a little debriefing, go by Assemblyman Williams' office, his secretaries will take good care of you. If you would like to go to Palm Springs, just come and visit us. If you want good climate control, come over and visit my colleague, Mr. Price. If you need a little spaghetti bowl, a little sparo, just go down to Mr. Callister's office and you will see plenty of rotation, Mr. Speaker.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I would like to rise in support of this resolution. Kathleen Day, who is my secretary, as well as my colleague from Assembly District 18 and my colleague from Elko, has done an excellent job for me. In response to my colleague from Assembly District 18, the reason why she is here instead of with either one of them, number one, I got to her first; and number two, I give her the lightest work load.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of the resolution. I will have to respond to that. I think that Kathleen Day must have the toughest job of any secretary. She has to ride herd on a cowboy from Elko. She has to take care of the "latch key baby" from Ohio and in addition to that, she is being educated by the teacher from Las Vegas. So Kathleen, I hope you stand up under all of this pressure. Thank you for the great job you do.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I must confess to being that person from Sparks that my colleague from District 2 referred to. Yes, indeed, I did pirate away his secretary. My first secretary couldn't make it much past the first five weeks which I guess says a lot about what it is like to work for me. Marcie and I have a shared experience. We worked together a few years ago in another setting. To some degree she knew what she was in for when she came with me. She asked if there was any priority in terms of what she had to do. I said, "Two things; first you have to read my mind and secondly, don't worry about managing the office, just worry about managing me." I have to say, she gets A+ on both. It is great to have you Marcie.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of this resolution. My secretary isn't here today. She is at the doctor's office. I don't know what that tells you about this stage of the session but that is where she is today. She and I sort of inherited each other. The secretary who had been assigned to me fell and hurt her back the second day of the session. So Pat Menath and I have muddled through the session together. She has done a wonderful job. I would like to thank her. Certainly everybody that is in the secretarial pool, they take such good care of us. They give me coffee in the afternoon when I can't find it in any of the committee rooms and popcorn when I am having real problems. I just want to thank you all. You do a marvelous job.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I rise in support of the resolution. You can see that I am surrounded by three secretaries. This is really only half enough to keep me out of the kind of trouble I can get into here. I really appreciate all the work they do and all the secretaries in the legislature that give so much time and consideration to the work that needs to be done here. I have seated here with me Laura Pabon, Betty Wills and Donna Calhoun. I just wanted to express my appreciation to them for the fine work they do here. Thank you.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in strong support of the resolution. Some of you may know I have been coming down here since the late 50's. I have seen some tremendous changes. They didn't even have offices over in the other building. They used to meet in the bathroom and

some other places where they shouldn't have. I really appreciate what has happened including the change in the building because it is just a different place. April Carino is our secretary. Mr. Kerns carves ducks and I lose wallets and April takes care of all those details. We had Dawn Gibbons for quite a while but we had to shift over to a less attractive person in that office and that is not detracting from the one who is there; the other was so much better. In any event, April is a jewel and I am very proud of her and she does things beyond the call of duty. We work overtime on finding my wallet as I said. Thank you very much, April.

ASSEMBLYMAN BAYLEY:

Thank you, Mr. Speaker. I just want to thank Mr. Norton's, Mr. McGinness' and my secretary, Carol Dickerson. She is a sweetheart. I never had a secretary before. I am still trying to figure out how to use a secretary but she covers for me in areas that I couldn't even tell you. Thank you, Carol.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. I can't pass up this opportunity, not only to speak of the competence of my secretary, Martha Bowers, but also, if you will remember that she also sang before this body a week or two ago. Not only can she sing, she is also a consultant in appearance, in makeup, and so forth. I don't think she would agree with my tie today but I have some additional help from my staff.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. The three people who keep Judiciary together are Iris Bellinger, Kathy Pereos and Susan Packard. I only have two of them because the other one is working upstairs, I guess. They couldn't decide what to suggest for me to show my appreciation for Secretary's Day. In Judiciary, everything is done by committee decision. A committee is composed of three secretaries, I don't have a vote. We talked about standing on my head or doing cartwheels but now they have decided that lunch will do.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Obviously, I rise in support of the resolution. This year I am blessed with two young ladies that I call the "A Team," that we all know, Sherree Koehler on my left and Dianne Laird. They were given the task to get me straightened up and organized. Well they have done most of that. The only thing they haven't done is to get me to meetings on time yet. They are a wonderful team and it just absolutely amazes me the work and the organization that they are able to perform for our committee. Over the years, I think those of us that have been here before, can say, we have been blessed with excellent help which I have to say is a credit, in my opinion, and I know in all of our opinions, to Mouryne's ability to interview and select the right people and assign them to us. I would like to thank you publicly, Mouryne, for the help and for your wonderful, wonderful decisions that you made for me this year. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. This is the first time that the Minority Party has ever had secretaries. I really appreciate the opportunity to have Donna Watt. I just missed being a "notch baby," but Donna does an excellent job of baby sitting me. Of course, it is great having a couple of gals who work with Ways and Means. Those gals are always here early in the morning and always very cheerful. I think this is an excellent resolution and I am delighted we are able to recognize Secretary's Day.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Chairman. I rise in support of the resolution, as well. I agree, particularly, with the remarks of Mrs. Spriggs, Mr. Marvel and the remarks of Mrs. Evans as to mind reading. That is a skill that is much in demand especially when you are very busy here. Particularly, it is nice to surrender the calendar to a competent secretary and to have her have the ability to read my mind to know who I feel is a jerk and to only schedule five minutes with them, among other things. All present company excepted, of course. I would also like to compliment Mrs. Landing on her "people" skills. Just excellent, all around excellent, choices. They are just excellent people. I have come in contact with many of them. The Ways and Means secretaries seem to have an affinity for

dogs and other animals in their cartoons and that is much appreciated. Finally, I would like to say that my secretary, Colleen Janes, is extremely competent. She speaks Russian, has worked for the federal government and is still a good secretary. Now, if I might suggest, she is trying to get a job with the Executive Branch Agency of the State of Nevada, why, I am not sure. If anyone knows of any opportunities, I am not trying to make a blatant advertisement, but she is looking for an opportunity after the session. I would appreciate it if anyone could pass those opportunities along. Thank you.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. I, too, rise in support of the amendment and say ditto to a lot of the remarks that were made. I am grateful to Maureen Francisco, that she can read my handwriting and decipher my upside down and backward scratchings on a page. Also, she has the particular opportunity of putting up with all the fights in our corridor between Joe Elliott and myself.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I would also like to rise in support of this motion and publicly tell April, thank you for not only taking care of the "notch baby" from Ohio and the cowboy from Elko and the absent-minded professor over there from District 27. But for myself, I would like to tell my colleagues that I am a little bit smarter. For sitting at my desk is Pat Hatch who is the supervisor of all the secretaries and that is how I get my work done.

MR. SPEAKER:

This a great discussion going on but I have to get the Education Committee to the airport so we have to do General File. So with your indulgence we will cut this conversation off right now but I do have to introduce to you, two secretaries that I have. One, she is not the secretary, she is the Assistant Speaker, I got her to sign her letters that way now, everybody knows Betty Day. She has been with me three terms now. Connie Lewis came aboard this year. She is bailing us out because we get tons of letters. You guys keep messing around with Medicaid and we are going to hire one just for Medicaid letters.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 55 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 146:

YEAS—42.

NAYS—None.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 280:

YEAS—42.

NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 308:

YEAS—42.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblyman Spriggs.

Assemblyman Spriggs moved that Assembly Bill No. 367 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spriggs.

Motion carried.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 375:

YEAS—39.

NAYS—Evans, Porter, Wendell Williams—3.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 455:

YEAS—42.

NAYS—None.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 464:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 482:

YEAS—41.

NAYS—None.

Not voting—Sader.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

The following amendment was proposed by Assemblyman Gibbons:

Amendment No. 472.

Amend section 1, page 1, line 21, by deleting "*related to*" and inserting: "*of the owner of*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Gibbons, McGaughey, Carpenter, Johnson, Kerns, Stout, Pettyjohn, Bayley, Petrak, Elliott, Norton, Price, Garner, Spitler, Gregory, Wong, Wendell Williams, Goetting, Spriggs, Marvel, Humke, McGinness, Heller, Lambert and Myrna Williams:

Assembly Bill No. 582—An Act relating to the labor commissioner; limiting the time within which a prosecution for a violation of the labor laws or an action for the enforcement of a claim for wages or commissions may be commenced; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Gibbons, Petrak, Stout, Price, Elliott, Little, Anderson, Scherer, Spitler, Johnson, Gregory, Bennett, Hardy, Wong, Kerns, Bergevin, Norton, Haller, Bayley, Porter, Spriggs, McGinness, McGaughey, Lambert, Bache, Pettyjohn, Callister, Evans, Arberry, Myrna Williams, Marvel, Goetting, Heller, Humke and Carpenter:

Assembly Bill No. 583—An Act relating to the rights of peace officers; authorizing a peace officer to have a representative present during any interrogation that could lead to disciplinary action against the officer; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, Petrak, Freeman, Stout, Price, Little, Giunchigliani, Anderson, Johnson, Wong, Norton, Bergevin, Haller, Wendell Williams, Porter, Spriggs, McGinness, McGaughey, Bache, Pettyjohn, Callister, Evans, Arberry, Myrna Williams, Marvel, Sader, Goetting, Heller, Humke and Carpenter:

Assembly Bill No. 584—An Act relating to fences; imposing a duty to maintain a legal fence under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen McGinness, Dini and Marvel:

Assembly Bill No. 585—An Act relating to irrigation districts; revising the procedure for the selection of directors of the boards of certain irrigation districts and providing for additional powers for boards of certain irrigation districts; and providing other matters properly relating thereto.

Assemblyman McGinness moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 586—An Act relating to veterinary medicine; requiring licensure as a condition of bringing a legal action for compensation for veterinary services; providing for the inactive status of a license and exemption from the requirements of continuing education if a license is inactive; establishing procedures for issuing a citation to a licensee who violates provisions governing the practice of veterinary medicine; directing the Nevada state board of veterinary medical examiners to establish a formalized program of inspecting facilities in which veterinary medicine is practiced; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Goetting, Price, Dini, Haller, Kerns, Krenzer, Wong, Bergevin, Garner, Bennett, Stout, Marvel, McGinness, Arberry, Humke, Spitler, Bayley, Pettyjohn, Anderson, Hardy, Norton, Scherer, Heller, Spriggs, Giunchigliani, Myrna Williams, Little, Elliott, Carpenter, Petrak, Johnson, Gregory, Wendell Williams, Evans, Callister, Porter, Sader, Freeman, McGaughey, Lambert, Bache and Gibbons:

Assembly Bill No. 587—An Act relating to state lands; authorizing the state land registrar to lease certain land in Floyd R. Lamb State Park to a nonprofit organization for the development and operation of zoological and botanical exhibits; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stout, Petrak, Carpenter, Spitler, Norton, Gregory, Porter, Johnson, Elliott, Gibbons, Humke, McGaughey, McGinness, Pettyjohn, Myrna Williams, Marvel, Price, Bergevin, Garner, Kerns, Krenzer, Goetting, Wong, Little, Scherer, Heller and Giunchigliani:

Assembly Bill No. 588—An Act relating to animals; prohibiting the sale or killing of pets for human consumption; imposing certain restrictions and requirements upon the care and sale of animals; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Stout moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 387.

Bill read second time.

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

Amendment No. 400.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 1, lines 8 and 9, by deleting: "section [,] *and section 1 of this act,*" and inserting "section,".

Amend section 1, page 2, by deleting lines 29 through 39 and inserting:

"*7. The manager of the state industrial insurance system may submit to the executive director a list of each person who received benefits pursuant to chapter 616 or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the employment security department regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the manager must be in a form determined by the executive director and must contain the social security number of each such person. Upon receipt of such a request, the executive director shall make such a comparison and provide to the manager a list of the name, address and social security number of each person who appears, from the information submitted, to be simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS. The executive director shall charge a reasonable fee to cover any related administrative expenses. The manager shall use the information obtained pursuant to this subsection only to further a current investigation. Except as otherwise provided in this subsection, the manager shall not disclose the information for any other purpose. Upon receipt of a signed statement which declares that the information is necessary for a current investigation and that the information will not be disclosed to any other person for any other purpose, the manager may disclose pertinent portions*

*of the information obtained pursuant to this subsection to a self-insured employer or to an insurer providing a private workmen's compensation plan.*".

Amend sec. 3, page 3, line 13, by deleting "*system*" and inserting "*director*".

Amend sec. 3, page 3, line 20, by deleting "*system*" and inserting "*director*".

Amend sec. 3, page 3, by deleting lines 21 and 22 and inserting:

"*4. If an employee files a claim with an insurer, the insurer is entitled to receive from the director a list of the prior claims of the employee. If the insurer desires to inspect the files related to the prior claims, he must obtain the written consent of the employee.*".

Amend sec. 3, page 3, line 26, by deleting "*system*" and inserting "*department*".

Amend sec. 3, page 3, line 28, by deleting "*administrator.*" and inserting "*director.*".

Amend the title of the bill, first line, by deleting: "state industrial insurance system" and inserting: "department of industrial relations".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:55 a.m.

## ASSEMBLY IN SESSION

At 11:06 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 439.

Amend section 1, page 1, line 2, by deleting "$492,597" and inserting "$381,624".

Amend section 1, page 1, line 6, by deleting "$119,142" and inserting "$97,417".

Amend section 1, page 1, line 7, by deleting "$7,982" and inserting "$12,567".

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

"(c) Motor carrier division—data processing..... $51,675

(d) Drivers' license division—Saturday services..... $135,629

(e) Registration division—Saturday services..... $84,336".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 415.

Amend the bill as a whole by adding thereto a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 4.080 is hereby amended to read as follows:

4.080 No other fees shall be charged by justices of the peace than those specifically set forth in NRS 4.060, nor shall fees be charged for any other services than those mentioned in [those sections.] *that section.*".

Amend the bill as a whole by adding thereto new sections designated sections 17.1 through 17.7, following sec. 17, to read as follows:

"Sec. 17.1. NRS 231.040 is hereby amended to read as follows:

231.040 1. The commission on economic development is composed of the lieutenant governor, who is its chairman, and six members who are appointed by the governor.

2. The governor shall appoint as members of the commission persons who have proven experience in economic development which was acquired by them while engaged in finance, manufacturing, mining, agriculture, the field of transportation, or in general business other than tourism or gaming.

3. The governor shall appoint at least one member who is a resident of:

(a) Clark County.

(b) Washoe County.

(c) A county whose population is [24,000] *35,000* or less.

Sec. 17.3. NRS 231.067 is hereby amended to read as follows:

231.067 The commission on economic development shall:

1. Develop a state plan for industrial development and diversification.

2. Promote, encourage and aid the development of commercial, industrial, agricultural, mining and other vital economic interests of this state, except for travel and tourism.

3. Identify sources of financing and assist businesses and industries which wish to locate in Nevada in obtaining financing.

4. Provide and administer grants of money to political subdivisions of the state and to local or regional organizations for economic development to assist them in promoting the advantages of their communities and in recruiting businesses to relocate in those communities. Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than [24,000,] *35,000,* the commission may, if convinced that the recipient is financially unable to do so, provide such a grant with less than equal matching money provided by the recipient.

5. Encourage and assist state, county and city agencies in planning and preparing projects for economic or industrial development and financing those projects with revenue bonds.

6. Coordinate and assist the activities of counties, cities, local and regional organizations for economic development and fair and recreation boards in the state which affect industrial development, except for travel and tourism.

7. Arrange by cooperative agreements with local governments to serve as the single agency in the state where relocating or expanding businesses may obtain all required permits.

8. Promote close cooperation between public agencies and private persons who have an interest in industrial development and diversification in Nevada.

9. Organize and coordinate the activities of a group of volunteers which will aggressively select and recruit businesses and industries, especially small industries, to locate their offices and facilities in Nevada.

Sec. 17.5. NRS 231.170 is hereby amended to read as follows:

231.170 1. The commission on tourism is composed of the lieutenant governor, who is its chairman, and six members who are appointed by the governor.

2. The governor shall appoint as members of the commission persons who are informed on and have experience in travel and tourism, including the business of gaming.

3. The chief administrative officers of county fair and recreation boards of counties whose population is 100,000 or more are ex officio but nonvoting members of the commission.

4. The governor shall appoint at least one member who is a resident of:

(a) Clark County.

(b) Washoe County.

(c) A county whose population is [24,000] *35,000* or less.

Sec. 17.7. NRS 233B.130 is hereby amended to read as follows:

233B.130 1. Any [person] *party* who is:

(a) Identified as a party of record by an agency in an administrative proceeding; and

(b) Aggrieved by a final decision in a contested case,

is entitled to judicial review of the decision. Where appeal is provided within an agency, only the decision at the highest level is reviewable unless a decision made at a lower level in the agency is made final by statute. Any preliminary, procedural or intermediate act or ruling by an agency in a contested case is reviewable if review of the final decision of the agency would not provide an adequate remedy.

2. Petitions for judicial review must:

(a) Name as respondents the agency and all parties of record to the administrative proceeding;

(b) Be instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred; and

(c) Be filed within 30 days after service of the final decision of the agency.

Cross-petitions for judicial review must be filed within 10 days after service of a petition for judicial review.

3. The agency and any party desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the agency and every party within 20 days after service of the petition.

4. A petition for rehearing or reconsideration must be filed within 15 days after the date of service of the final decision. An order granting or denying the petition must be served on all parties at least 5 days before the expiration of the time for filing the petition for judicial review. If the petition is granted, the subsequent order shall be deemed the final order for the purpose of judicial review.

5. The petition for judicial review and any cross-petitions for judicial review must be served upon the agency and every party within 45 days after the filing of the petition, unless, upon a showing of good cause, the court extends the time for such service.

6. The provisions of this chapter are the exclusive means of judicial review of, or judicial action concerning a final decision in a contested case involving an agency to which this chapter applies.".

Amend sec. 29, pages 19 and 20, by deleting lines 25 through 47 on page 19 and lines 1 through 44 on page 20 and inserting:

"Sec. 29. (Deleted by amendment.)".

Amend the bill as a whole by adding thereto a new section designated sec. 31.5, following sec. 31, to read as follows:

"Sec. 31.5. NRS 393.170 is hereby amended to read as follows:

393.170 1. The board of trustees of a school district shall purchase all new library books and supplies, all new textbooks and supplementary schoolbooks which are necessary and have been approved by the state [textbook commission,] *board of education,* and school supplies necessary to carry out the mandates of the school curriculum to be used by the pupils of the school district. The cost of the [same shall be] *books and supplies is* a legal charge against the school district fund.

2. All books purchased by the board of trustees [shall] *must* be held as property of the school district, and [shall] *must* be loaned to the pupils of the school in the school district while pursuing a course of study therein.

3. The parents and guardians of pupils [shall be] *are* responsible for all books and any and all other material or equipment loaned to the children in their charge, and shall pay to the clerk of the board of trustees, or to any other person authorized by the board to receive the same, the full purchase price of all such books, material or equipment destroyed, lost or so damaged as to make them unfit for use by other pupils succeeding to their classes. The board of trustees shall establish reasonable rules and regulations governing the care and custody of such school property, and for the payment of fines for damage thereto.

4. Equipment and materials for use in manual training, industrial training and teaching domestic science may be supplied to the pupils in the same manner, out of the same fund, and on the same terms and conditions as books. No private ownership [can] *may* be acquired in such equipment or material, unless sold in the manner prescribed by law when such equipment or material [shall be] *are* no longer used or required for the schools of the school district.

5. Authorized supplementary books and desk books for the use of teachers [shall] *must* be purchased under NRS 393.160 to 393.210, inclusive, and [shall] remain the property of the school district for which they were purchased, unless sold in accordance with the provisions of this chapter.

6. The clerk of the board of trustees shall turn over to the county treasurer, within 30 days after receiving [the same, all moneys] *it, all money,* collected under the provisions of this section, and the [same shall] *money must* be credited to the school district fund.

7. Any person violating any of the provisions of this section [shall be] *is* guilty of a misdemeanor.".

Amend the bill as a whole by adding thereto a new section designated sec. 38.5, following sec. 38, to read as follows:

"Sec. 38.5. NRS 444.350 is hereby amended to read as follows:

444.350 1. Any construction, alteration or change in the use of a building or other structure in this state must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that association before January 1, [1989.] *1991.*

2. Any city or county may adopt such modifications as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the code with the proposed amendments to the state public works board.

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, "public water system" has the meaning ascribed to it in NRS 445.376.".

Amend the bill as a whole by adding thereto a new section designated sec. 70.5, following sec. 70, to read as follows:

"Sec. 70.5. Section 1 of chapter 95, Statutes of Nevada 1991, is hereby amended to read as follows:

Section 1. NRS 451.555 is hereby amended to read as follows:

451.555 1. Any person [who is at least 18 years of age] may:

(a) Make an anatomical gift for any of the purposes stated in subsection 1 of NRS 451.560;

(b) Limit an anatomical gift to one or more of those purposes; or

(c) Refuse to make an anatomical gift.

2. [An] *Except as otherwise provided in subsection 3, an* anatomical gift may be made only by a document of gift signed by the donor. If the donor [cannot] *:*

*(a) Cannot* sign, the document of gift must be signed by another person and by two witnesses, all of whom have signed at the direction and in the presence of the donor and of each other and state that it has been so signed.

*(b) Is less than 18 years of age, the document of gift must also be signed by two witnesses, one of whom is a parent or guardian of the donor and consents to the donation, at the direction and in the presence of the donor and of each other and state that it has been so signed.*

3. *If the donor is less than 12 years of age, the document of gift must be signed by a parent or guardian of the donor, on behalf of the donor, and two witnesses at the direction and in the presence of the parent or guardian and of each other and state that it has been so signed. The document is not required to be signed by the donor.*

*4.* If a document of gift is attached to or imprinted on a donor's driver's license or identification card, the document of gift must comply with subsection 2. Revocation, suspension, expiration or cancellation of the license does not invalidate the anatomical gift.

[4.] *5.* A document of gift may authorize a particular physician to carry out the appropriate procedures. In the absence of such authorization or if the designated physician is not available, the donee or other person authorized to accept the anatomical gift may employ or authorize any physician, technician or enucleator to carry out the appropriate procedures.

[5.] *6.* An anatomical gift by will takes effect upon *the* death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

[6. A] *7. Except as otherwise provided in subsections 8 and 9, a* donor may amend or revoke an anatomical gift, not made by will, only by:

(a) A signed statement;

(b) An oral statement made in the presence of two persons;

(c) Any form of communication during a terminal illness or injury addressed to a physician; or

(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.

*8. Except as otherwise provided in subsection 9, a donor who is less than 18 years of age may, with the consent of his parent or guardian, amend or revoke an anatomical gift, not made by will, by:*

*(a) A signed statement;*

*(b) An oral statement made in the presence of two persons;*

*(c) Any form of communication during a terminal illness or injury addressed to a physician; or*

*(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.*

*9. A donor who is less than 12 years of age may not amend or revoke an anatomical gift. The parent or guardian who made the gift on behalf of the donor may amend or revoke an anatomical gift, not made by will, only by:*

*(a) A signed statement;*

*(b) An oral statement made in the presence of two persons;*

*(c) Any form of communication during a terminal illness or injury addressed to a physician; or*

*(d) The delivery of a signed statement to a specified donee to whom a document of gift had been delivered.*

*10.* The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills in chapter 133 of NRS or as provided in subsection [6.

8.] *7, 8 or 9.*

*11.* An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

[9.] *12.* A person may refuse to make an anatomical gift of his body or part by:

(a) A writing signed in the same manner as a document of gift;

(b) A statement attached to or imprinted on his driver's license or identification card; or

(c) Any other writing used to identify him as refusing to make an anatomical gift.

During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

[10.] *13.* In the absence of contrary indications by the donor, an anatomical gift of a part is neither a refusal to give other parts nor a limitation on an anatomical gift under NRS 451.557.

[11.] *14.* In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not a refusal to make another anatomical gift. If the donor intends a revocation to be a refusal to make an anatomical gift, he shall make the refusal pursuant to subsection [9.] *12.*".

Amend sec. 73, page 43, line 34, by deleting "The" and inserting "1. The".

Amend sec. 73, page 43, between lines 36 and 37 by inserting:

"2. The amendatory provisions of section 17.7 of this act apply retroactively to October 1, 1989. The legislature hereby declares that the change made by section 17.7 of this act is a clarification of existing law, and that the legislature did not intend by the passage of chapter 716, Statutes of Nevada 1989, to limit the right of a state agency to appeal an adverse decision in an administrative proceeding.".

Amend sec. 74, page 43, line 38, by deleting "32" and inserting "31.5".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 388.

Amend section 1, page 1, by deleting lines 11 through 14 and inserting:

"2. *A promotional scheme conducted by a licensed gaming establishment in direct association with a licensed gaming activity, contest or tournament is not a lottery.*".

Amend sec. 3, page 1, lines 17 and 18, by deleting: "*in which each winner is guaranteed*" and inserting "*for*".

Amend sec. 4, page 1, by deleting lines 22 and 23 and inserting:

"Sec. 4. *"Tournament" means a series of contests.*".

Amend sec. 8, page 4, line 7, by deleting "30" and inserting "[30] *45*".

Amend sec. 9, page 5, by deleting lines 35 through 37 and inserting: "not evidenced by a credit instrument may be resolved [by the board in] *:*

*(a) In* accordance with NRS 463.362 to 463.366, inclusive [.] *, by the board; or*

*(b) If the claim is for less than $500, by a hearing examiner designated by the board pursuant to subsection 12 of NRS 463.335.*".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

Three percent of all the gross revenue of the licensee which does not exceed $50,000 per calendar month;

Four percent of all the gross revenue of the licensee which exceeds $50,000 per calendar month and does not exceed $134,000 per calendar month; and

Six and one-quarter percent of all the gross revenue of the licensee which exceeds $134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. This fee prepays the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. The payment of the fee due for the first full calendar month of operation based on the gross revenue derived from gambling pursuant to this section must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount prepays the license fees for the

next three calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the commission on July 1, 1969, must be treated as an advance payment.

4. All revenue received from any game or gaming device which is leased for operation on the premises of the licensee-owner to a person other than the owner thereof, or located in an area or space on such premises which is leased by the licensee-owner to any such person, must be attributed to the owner for the purposes of this section and be counted as part of the gross revenue of the owner. The lessee is liable to the owner for his proportionate share of such license fees.

5. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid by the licensee, the commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment, with interest thereon, to the licensee.

Interest must be computed at the rate [of 1 percent per month] *prescribed in NRS 17.130* from the first day of the first month following either the due date of the additional license fees or the date of overpayment until paid.

6. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the fees are prepaid, as established in subsection 2.

7. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

8. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the commission shall:

(a) Charge and collect the additional license fees determined to be due; or

(b) Refund any overpayment, with interest thereon, to the licensee,

based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.".

Amend sec. 19, page 9, line 41, after "*thereon*" by inserting: "*at the rate prescribed in NRS 17.130*".

Amend sec. 22, page 12, line 36, by deleting: "*making the report.*" and inserting: "*receiving written notice from the chairman of the board to do so.*".

Amend the bill as a whole by deleting sec. 25.

Amend the title of the bill, second and third lines, by deleting: "designating agents of the state gaming control board as peace officers for certain purposes;".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 438.

Amend section 1, page 1, line 2, by deleting "$1,407,415" and inserting "$1,982,015".

Amend section 1, page 1, line 4, by deleting "$113,176" and inserting "$213,175".

Amend section 1, page 1, line 6, by deleting "$619,717" and inserting "$864,646".

Amend section 1, page 1, line 8, by deleting "$674,522" and inserting "$904,194".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 440.

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

"Sec. 2. 1. There is hereby appropriated from the state general fund to the welfare administrative account in the state general fund the sum of $150,000 for the retention by the attorney general of private legal counsel to assist in the litigation of *Hillhaven et al., vs. Welfare Division et al.*

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been paid.".

Amend the title of the bill to read as follows:

"An Act relating to litigation expenses; making a supplemental appropriation to the office of the attorney general for additional litigation expenses relating to the high-level radioactive waste repository; making an appropriation to the welfare administrative account for the retention of private counsel to represent the State of Nevada in certain litigation; and providing other matters properly relating thereto.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 390.

Amend section 1, page 1, by deleting lines 5 through 8 and inserting: "*justices of the peace. The persons so selected must possess the qualifications set forth in NRS 4.010 for the office of justice of the peace in the respective county.*".

Amend sec. 2, page 2, line 31, after "*peace*" by inserting: "*or a substitute justice of the peace*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 507.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 331.

Bill read second time and ordered to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Select Committee on Corrections:

Assembly Bill No. 589—An Act relating to criminal offenders; requiring the establishment of a program of intensive supervision for the rehabilitation of certain offenders in the community; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 118, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

| | |
|---|---|
| JOHN C. CARPENTER | LEONARD V. NEVIN |
| BERNIE ANDERSON | JOHN M. VERGIELS |
| JOE ELLIOTT | DEAN A. RHOADS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 2.

Amend section 1, page 1, line 6, by deleting "*$50*" and inserting "*$60*".

Amend sec. 2, page 2, line 18, by deleting "$50" and inserting "[$50] *$60*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 118.

Remarks by Assemblyman Sader.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 28, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Elliott, Arberry and Spriggs as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 28.

Mr. Speaker appointed Assemblymen McGinness, Kerns and Johnson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 211.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 321.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting:

"2. Return to the state treasurer [all] *:*

*(a) All* paid checks [and vouchers.] *;*

*(b) Microfilmed copies of such checks; or*

*(c) Any other evidence of such checks which may be transmitted by a computer and is approved by the state treasurer.*".

Amend the title of the bill by deleting the second line and inserting: "return to the state treasurer microfilmed copies of paid checks or other evidence of such checks which may be transmitted by a computer; and providing other".

Amend the summary of the bill, first line, after "checks" by inserting: "or other evidence of such checks which may be transmitted by computer".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 62, that a conference be requested, and that Mr.

Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Scherer and Norton as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 62.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 140, 147, 167; Senate Bills Nos. 91, 107, 243; Assembly Concurrent Resolutions Nos. 48, 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Betty Day, Connie Lewis and Laverna Marwin.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Paulette Simpson, Kim Fry and Patricia Baltz.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lula Collins.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kathleen Day.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carol Dickerson.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Martha Bowers.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Reba Coombs, Patricia McDaniel and Launa Martin.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ruth Braswell, Karen McPhail, Marty Stoloff and the following 5th grade students from Fritsch School, Carson City: Tracy Balik, Jessey Bargmann, Sarah Barnes, Whitney Bremner, Kristina Carr, Celia Castellanos, Eric Fuentes, Charles Hodges, Kristi Hubert, Rory Kemmerer, Sierra Knapp, Robert Leffler, Alex Leuthauser, Luis Lopez, Michael McClure, Seth Meyer, Jeanie Morrison, Lupita Munoz, Josh Nahm, Maurice Perez, Alejandro Rios, Marcella Sciarotta, Melanie Shaw, Tara Thompson, Cara West, Walter Zeron, Alejandro Vega, Rebecca Bartels, Alison Brewer, Maxi Ruiz, Nicole Campagni, Jeff Cordova, Valerie Davis, Sarah Echo, Kim Edelman, Veronica

Espino, LaVonna Hood, Sarah Ives, Brian Jochim, Adriana Juarez, Andrew Kilpatrick, Darrell Lauridsen, Tracie Louks, Jennifer Mahe, Desiree Meaney, Josh Meshburger, Amber Miller, Alison O'Brien, Jose Obregon, Sergio Rayo, Dana Rheault, James Sipaila, Iisha Smith, Amie Snodgrass, Chad Stoloff, Terry Thornley, Lucas Whitmore, T. J. Yerke, Chris Young and Michail Rogers.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marcelene Wehry.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Pat Menath.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Betty Wills, Laura Pabon and Donna Calhoun.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Pat Hatch, Mss. Gloria Tetzlaff, Lynne Ramelli, Tassie Class, Shelley Young, Mesdames Yamamoto, Taylor and Rose and the following 4th grade students from Huffaker Elementary School, Reno: Adrienne Basta, Robin Berry, Kara Bjor, Lacey Bordughf, Brittany Curtis, Michael Eliopulas, Danielle Frey, Brigham Gardner, Andrew Gauger, Maria Kernecker, Joshua Larkin, Theresa Markey, Marissa Martin, Salvatore Miller, Quocoung Nguyen, Christopher Palmer, Heidi Rentsch, Jericho Rogers, Ryan Rose, Cari Simon, Shannon Taylor, Christina Vanlydegraf, Gabriel Vasile, Todd Weiher, Jill Yamamoto, Bonnie Yung, Andrea McKay, Christine Bentzien, Crista Jacobe, Gus Class, Jaci Test, Janell Clark, Jason March, Jason Maupin, Jenny Minor, Jeri Sullivan, John McCrary, Jordan France, Katie Griffith, Kyle Yamamoto, Laura Ramelli, Les Rubenstein, Micheal Clark, Mona Dehghan, Patrick McComas, Rew Kirst, Sarah Schoff, Tali Jaureguito, Tom Christensen, Whitney Dutton and Nolan Roberts.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Doke.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janet Busse.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. April Carino.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Christine Shaw and Frances Hill.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Colleen Janes.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carolyn Maynick.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Maureen Francisco.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marlene Staub.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dawn Buffery and Kay Graves.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lucinda Benjamin.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cheryl Thurston, Donna Watt and Dale Gray.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cindy Southerland and Marcia Warne.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sherree Koehler and Dianne Laird.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Iris Bellinger, Kathy Pereos and Susan Packard.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Becky Boatwright.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mineral County High School students: Mandy Bass, Ray Burrell, David Clark, Albert Clinger, Bobbie Collier, Roger Cunha, Vickie Enriquez, Chaco Ferrell, Jason Grimes, Willie Heaney, Rondha Herrebrugh, Carlos Isom, A. J. Kintz, Mike Kollodge, Tom Martin, Lanette Miller, Jim Powell, Tonja Sample, Lahoma Stewart and Dawn Winters.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Carole Martini and Sharon Burnham.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marilyn Cole.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Gyarmathy.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 26, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:24 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-SIXTH DAY

CARSON CITY (Friday), April 26, 1991

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Bache, Carpenter, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Johnson, Krenzer, Stout, Myrna Williams, Wendell Williams and Wong, who were excused.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Mr. Speaker, even in times of prayer, a little levity might be appropriate. With this in mind, I would like to offer the following:

Heavenly Father, this is confession time. Forgive me, but the Assembly Chamber sometimes makes me feel like paraphrasing the Twenty-third Psalm:

The Legislature is my shepherd,
Much more shall I want.
It maketh me to lie down in exhaustion;
It leadeth me by general orders.
It recordeth my vote.
It leadeth me in the path of multiple committee meetings, for its name's sake.
Yea, though I walk through the valley of the shadow of defeat,
I will fear no veto, for it is with me most of the time.
Its two-thirds majority vote, sometimes comforts me.
It preparest legislation before me in the presence of the other party;
It anointeth my head with statistics;
My calendar runneth over.
Surely reporters and lobbyists shall follow me all the days of my term,
Even if I dwell in the House of the Assembly forever.
Although, I sometimes feel this way Lord, I am very grateful that You are my true Shepherd. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 55.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 161.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 29, 36, 39, 178, 246, 258, 313, 360.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 108.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 118.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

JANICE L. THOMAS
*Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 38:

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 29.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 36.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 39.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 161.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 178.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 246.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 258.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 313.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 360.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 359.

Bill read second time.

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

Amendment No. 434.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"1. *Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture which does not meet the standards made applicable for the respective county or city pursuant to this section.*

*2. Except as otherwise provided in subsections 3 and 4, each residential, commercial or industrial structure on which construction begins on or after January 1, 1992, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 1992, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.*

*(b) A shower apparatus which uses more than 3.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3.5 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3.5 gallons per minute.*

*(d) A urinal which continually flows or flushes water must not be installed.*

*3. Except as otherwise provided in subsection 4, each residential, commercial or industrial structure on which construction begins on or after January 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 1993, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.*

*(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.*

*(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.*

*(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.*

*(e) A urinal which continually flows or flushes water must not be installed.*

*(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.*

*(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.*

*4. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing residential, commercial or industrial structure which is not being expanded or renovated.*".

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

"Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.*

*2. Except as otherwise provided in subsections 3 and 4, each public building, other than a prison or jail, on which construction begins on or after January 1, 1992, and each existing public building which is expanded or renovated on or after January 1, 1992, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.*

*(b) A shower apparatus which uses more than 3.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3.5 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3.5 gallons per minute.*

*(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.*

*3. Except as otherwise provided in subsection 4, each public building, other than a prison or jail, on which construction begins on or after January 1, 1993, and each existing public building which is expanded or renovated on or after January 1, 1993, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.*

*(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.*

*(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.*

*(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.*

*(e) A urinal which continually flows or flushes water must not be installed.*

*(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.*

*(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.*

*4. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of an existing public building which is not being expanded or renovated.*

Sec. 5. Chapter 489 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The administrator shall not issue a certificate or label of compliance for a manufactured home or mobile home unless the home meets the standards made applicable to the home pursuant to this section.*

*2. Except as otherwise provided in subsection 3, each manufactured home or mobile home on which construction begins on or after January 1, 1992, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.*

*(b) A shower apparatus which uses more than 3.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3.5 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3.5 gallons per minute.*

*3. Each manufactured home or mobile home on which construction begins on or after January 1, 1993, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.*

*(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.*

Sec. 6. Chapter 540 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:*

*(a) To encourage water conservation in its service area;*

*(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and*

*(c) For the installation of landscaping that uses a minimal amount of water.*

*The supplier of water may request assistance from the division to develop the plan.*

*2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person to submit written views and recommendations on the plan.*

*3. The supplier of water shall file a copy of the plan with the division for informational purposes.*

*4. The plan:*

*(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and*

*(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.*

*5. Suppliers of water:*

*(a) Who are required to adopt a plan for incentives pursuant to this section; and*

*(b) Whose service areas are located in a common geographical area,*

*may adopt joint plans.*

*6. As used in this section, "supplier of water" includes, but is not limited to:*

*(a) Any county, city, town, local improvement district, general improvement district and water conservancy district;*

*(b) Any water district, water system, water project or water planning and advisory board created by a special act of the legislature; and*

*(c) Any other public or private entity,*

*which supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan pursuant to section 7 of this act.*

Sec. 7. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:*

*(a) To encourage water conservation in its service area;*

*(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and*

*(c) For the installation of landscaping that uses a minimal amount of water.*

*2. As part of the procedure of adopting a plan, the public utility shall provide an opportunity for any interested person to submit written views and recommendations on the plan.*

*3. The plan:*

*(a) Must be available for inspection by members of the public during office hours at the office of the public utility; and*

*(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be filed with the commission and made available for inspection by members of the public within 30 days after its adoption.*

*4. The plan must be approved by the commission before it is put into effect.*

Sec. 8. NRS 244.3667, 268.4115 and 445.017 are hereby repealed.".

Amend the bill as a whole by adding the text of the repealed sections, to read as follows:

"TEXT OF REPEALED SECTIONS

244.3667 Restrictions on consumption of water by toilets. The board of county commissioners may, by ordinance, impose reasonable restrictions relating to the water capacity and devices to reduce water consumption of toilets to be installed after July 1, 1979, within the unincorporated area of the county in any new hotel, motel, apartment house or dwelling or as part of an addition to or renovation of any hotel, motel, apartment house or dwelling.

268.4115 Restrictions on amount of water used by toilets. The governing body of an incorporated city may, by ordinance, impose reasonable restrictions relating to the water capacity and devices to reduce water consumption of toilets to be installed after July 1, 1979, within its jurisdiction in any new hotel, motel, apartment house or dwelling or as part of an addition to or renovation of any hotel, motel, apartment house or dwelling.

445.017 Installation of shower apparatus: Restrictions concerning consumption of water.

1. Except as provided in subsection 2, no shower apparatus may be installed after July 1, 1978:

(a) In any new hotel, motel, apartment house or dwelling; or

(b) As part of an addition to or renovation of any hotel, motel, apartment house or dwelling,

if the apparatus uses more than 4 gallons of water per minute.

2. A shower apparatus which uses more than 4 gallons of water per minute may be installed if it is equipped with a device to reduce water consumption to 4 gallons of water or less per minute.

3. The city or county, acting through its building department or public works department, if any, shall adopt and enforce regulations to enforce the restrictions imposed by this section.".

Amend the title of the bill to read as follows:

"An Act relating to water; imposing certain minimum standards for plumbing fixtures in new construction and expansions in residential, industrial, commercial and public buildings; imposing similar requirements for the approval of manufactured and mobile homes; directing the adoptions of plans to provide incentives for the use of certain equipment and xeriscape; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes certain minimum standards for plumbing fixtures in certain construction and expansions. (BDR 22-950)".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time.

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

Amendment No. 380.

Amend the bill as a whole by deleting sections 3 through 18 and renumbering sec. 19 as sec. 3.

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill, third, fourth and fifth lines, by deleting: "limiting the number of terms that members of boards, commissions and similar bodies appointed by the governor may serve;".

Amend the summary of the bill to read as follows:

"Summary—Designates executive directors of commissions on economic development and tourism as serving respectively at pleasure of governor. (BDR 18-1997)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 473.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 474.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 74.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee Ways and Means:

Assembly Joint Resolution No. 19—Proposing to amend the constitution of the State of Nevada to increase the authorized uses of the proceeds from certain fees relating to the licensing, registration and operation of motor vehicles and excise taxes on motor vehicle fuels.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 5 of article 9 of the constitution of the State of Nevada be amended to read as follows:

[Section] *Sec. 5.* 1. The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this state and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel [shall,] *must,* except costs of administration, be used exclusively for [the] :

*(a) The research, planning,* construction, maintenance, *improvement, operation* and repair of the public highways of this state [.] *, including the mitigation of any environmental effect caused by the construction, maintenance, improvement or operation of the public highways and the payment for property taken or damaged caused by the planning, construction, maintenance, improvement or operation of the public highways;*

*(b) The enforcement of traffic and motor vehicle laws by an agency of the state;*

*(c) The mitigation of the environmental effects caused by the emissions of motor vehicles; and*

*(d) The research, planning, construction, maintenance and improvement of a guideway for a system of public mass transit, including the mitigation of any environmental effect caused by the construction, maintenance or improvement of a guideway, the payment for property taken or damaged by the construction, maintenance or improvement of a guideway and the maintenance of the structures and right of way for the guideway. The proceeds must not be used for the cost of maintaining or operating the power systems, passenger facilities, vehicles, equipment or services of the system of public mass transit.*

2. The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by the legislature in lieu of an ad valorem property tax.

Assemblyman Callister moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 507; Senate Bills Nos. 303, 331, 357 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

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

BOB PRICE, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 590—An Act relating to cultural resources; creating the commission for cultural affairs; defining its duties; providing for the issuance of general obligation bonds for the preservation and promotion of cultural resources; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 591—An Act relating to manufactured housing; establishing educational requirements for certain persons who are licensed by the manufactured housing division of the department of commerce; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 592—An Act relating to mining reclamation; revising the requirements for engaging in certain exploration projects or mining operations; redefining a "small mining operation"; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 20—Urging Congress to provide money for measures to mitigate the drought or for low-interest loans to reduce the impact of the current drought on farmers.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Spriggs moved that Assembly Bill No. 367 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spriggs.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 367.

Bill read third time.

The following amendment was proposed by Assemblyman Spriggs:

Amendment No. 477.

Amend the summary of the bill to read as follows:

"Summary—Imposes generally accepted accounting principles on certain statements and schedules required for internal service funds. (BDR 31-793)".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 120, 154, 345, 380, 389, 426; Senate Bill No. 108; Assembly Concurrent Resolution No. 34; Senate Concurrent Resolution No. 37; Assembly Joint Resolution No. 23 of the 65th Session.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lee Roy Pipkin, Mrs. Elizabeth Tetz and the following students from Seeliger Elementary School, Carson City: Sherl Alldredge, Shanee Alsobrook, Danielle Bohm, Mike

Burnett, Emily Cavolick, Tiffany Cook, Josh de Rubertis, Jeff Garrett, Justin Holt, Shanna Honkomp, Jason Malone, Sumiko Maser, Kathleen Mateas, Jason Mead, Heiko Muench, Alisha Olson, Erin Pieretti, Scott Rust, Lanae Schilperoot, Kenny Schlapkohl, Megan Spell, Ron Van Ausdal, Kiko Vega, Amanda Walker, Mahaley Walker, Jessica Wilson, Kerrina Urrea and Sarah Neely.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janet McKillip.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Edward Bushey, Mrs. Lorraine Bushey and Master Timothy Anderson.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cheryl Simmons and Ginger Craik.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jacquelyn Johnson and Deanne Blazzard.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 29, 1991 at 10:00 a.m.

Motion carried.

Assembly adjourned at 11:14 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE NINETY-NINTH DAY

CARSON CITY (Monday), April 29, 1991

Assembly called to order at 10:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O God, the Lord of heaven and earth, sea and air, birds and beasts, and even baseball, we praise You. We thank You for Your rich diversity and Your power over all. Please lead us too. In Jesus' name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 142, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 27, 29, 128, 158, 237.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 362, 382.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 35.

JANICE L. THOMAS
*Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 35:

Assemblyman Porter moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 35 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion lost on a division of the house.

Assemblyman Myrna Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2079), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Myrna Williams.

Roll call on Assemblyman Myrna Williams' motion.

YEAS—40.

NAYS—None.

Absent—Bennett, Krenzer—2.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman McGinness moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2107), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman McGinness.

Roll call on Assemblyman McGinness' motion.

YEAS—40.

NAYS—None.

Absent—Bennett, Krenzer—2.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 593—An Act relating to the commission on economic development; requiring the legislative auditor to conduct a performance audit of the international program of the commission on economic development; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Little, Stout, Goetting, Petrak, Heller, Pettyjohn, Spriggs, Wong, Scherer, Garner, Haller, Bayley, Price, McGaughey and Carpenter:

Assembly Bill No. 594—An Act relating to health care; creating the presumption that an incompetent person desires hydration and nutrition; and providing other matters properly relating thereto.

Assemblyman Little moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Little, Goetting, Pettyjohn, Spriggs, Wong, Haller, Bayley, Norton, Anderson, Stout, Petrak, Marvel, Gregory, Price, McGaughey and Carpenter:

Assembly Bill No. 595—An Act relating to abortion; requiring the humane disposal of an aborted embryo or fetus; and providing other matters properly relating thereto.

Assemblyman Little moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen McGinness, Marvel, Carpenter, Bergevin, Dini, Spriggs, Elliott and Heller:

Assembly Bill No. 596—An Act relating to physicians; requiring the board of medical examiners to issue a temporary license to allow a physician licensed in another state to practice in connection with a rural hospital under certain circumstances; and providing other matters properly relating thereto.

Assemblyman McGinness moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Haller, Anderson, Gibbons, Petrak, Norton, Wong, Bergevin, Johnson, Stout, Bennett, Elliott, Sader, Humke, McGaughey, McGinness, Hardy, Pettyjohn, Arberry and Price:

Assembly Bill No. 597—An Act relating to crimes against public health; prohibiting the smoking of a cigar in a restaurant; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 43.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 362.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 382.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 570.

Bill read second time, ordered engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:22 a.m.

ASSEMBLY IN SESSION

At 10:35 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR 18-916), requested by the Committee on Taxation, be introduced by individual assemblymen.

Remarks by Assemblyman Price.

Roll call on Assemblyman Price's motion.

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 137, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 76 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 598—An Act relating to aid to dependent children; requiring the state welfare administrator to calculate the standard of need and to pay benefits for aid to dependent children according to a schedule

based on that standard of need; requiring the state welfare administrator to take certain action if expenditures for aid to dependent children during a biennium are in excess of the amount appropriated by the legislature for that purpose; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 599—An Act relating to motor vehicles; making the insurer of the lessee primarily liable and the insurer of the lessor secondarily liable for damages resulting from an accident involving a motor vehicle under a short-term lease; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 600—An Act relating to domestic insurers; providing an exception to the requirement that the assets of a domestic insurer must be kept within this state; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 601—An Act relating to operators of tow cars; prohibiting a law enforcement agency from executing a contract with a person to tow vehicles if the person or any employee of the person has been convicted of a felony; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Bergevin, Carpenter and Marvel:

Assembly Bill No. 602—An Act relating to fire protection; providing that under certain circumstances, a fire protection district or a district for a county fire department and not the state fire marshal may require inspection of construction projects in the district and enforce the fire protection regulations with respect thereto; and providing other matters properly relating thereto.

Assemblyman Bergevin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bergevin, Sader, Carpenter, Marvel, Gibbons and Price:

Assembly Bill No. 603—An Act relating to elections; allowing a special election concerning a proposal to issue municipal obligations to be conducted by mail; and providing other matters properly relating thereto.

Assemblyman Bergevin moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 604—An Act relating to taxation; authorizing the imposition of taxes, on fuels used in motor vehicles, by the governing bodies of Indian reservations and colonies, in lieu of the taxes imposed by the state and local governments; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 605—An Act relating to parole of prisoners; requiring the state board of parole commissioners to parole a prisoner who is statutorily eligible and whose death is imminent; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke, Little, Garner, Petrak, Bennett, Elliott, Kerns, Porter, Price, Marvel, Spriggs, Heller, Scherer, Norton, McGinness, Pettyjohn, Bergevin, Callister, Anderson, Lambert, Freeman, Johnson, Wendell Williams, Gregory, Gibbons, Myrna Williams, Carpenter, McGaughey and Hardy:

Assembly Bill No. 606—An Act relating to adoption; requiring the welfare division of the department of human resources to prepare and distribute a booklet on adoption; limiting the fees that may be charged by the division for certain services relating to adoption; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Myrna Williams, Giunchigliani, McGinness, Arberry, Wendell Williams, Price, Humke, Bergevin, Spriggs, Porter, McGaughey, Sader and Callister:

Assembly Bill No. 607—An Act relating to medical records; requiring the custodian of medical records for a medical facility, a facility for the dependent, a division facility or a provider of health care to forward the medical

records of certain patients who are transferred to another medical facility, facility for the dependent, division facility or physician; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Concurrent Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MORSE ARBERRY, JR., *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblymen Gregory, Anderson, Carpenter, Hardy, Johnson, Humke, Scherer and Price.

Roll call on Assembly Bill No. 35:

YEAS—26.

NAYS—Anderson, Bennett, Bergevin, Carpenter, Freeman, Gibbons, Goetting, Humke, Johnson, Little, McGaughey, Marvel, Pettyjohn, Sader, Stout, Wong—16.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblymen Garner, Callister and Gibbons.

Roll call on Assembly Bill No. 284:

YEAS—41.

NAYS—None.

Not voting—Elliott.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

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

Amendment No. 479.

Amend section 1, page 2, by deleting lines 38 through 44 and inserting: "*The manager shall not disclose the information for any other purpose.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblyman Pettyjohn.
Roll call on Assembly Bill No. 404:
YEAS—42.
NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 422.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 422:
YEAS—42.
NAYS—None.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 448 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Evans.
Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 423.
Bill read third time.
Remarks by Assemblyman Norton.
Roll call on Assembly Bill No. 423:
YEAS—41.
NAYS—None.
Not voting—Mr. Speaker.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 439.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 439:
YEAS—42.
NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 473.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 473:
YEAS—41.
NAYS—None.
Not voting—Norton.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 474:
YEAS—41.
NAYS—None.
Not voting—Norton.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 502.
Bill read third time.
Remarks by Assemblymen Scherer and Spriggs.
Roll call on Assembly Bill No. 502:
YEAS—42.
NAYS—None.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 507.
Bill read third time.
Remarks by Assemblymen Price and Sader.
Roll call on Assembly Bill No. 507:
YEAS—42.
NAYS—None.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 74.
Bill read third time.
Remarks by Assemblymen Carpenter, Pettyjohn and Sader.
Roll call on Senate Bill No. 74:
YEAS—42.
NAYS—None.

Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 303:

YEAS—42.

NAYS—None.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 331.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 331:

YEAS—42.

NAYS—None.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 357.

Bill read third time.

Remarks by Assemblymen Price and Spriggs.

Roll call on Senate Bill No. 357:

YEAS—40.

NAYS—Norton, Spriggs—2.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 76.

Bill read third time.

The following amendment was proposed by Assemblymen Scherer and Carpenter:

Amendment No. 451.

Amend sec. 9, pages 5 and 6, by deleting lines 38 through 48 on page 5 and line 1 on page 6, and inserting:

"488.235 1. A person shall not operate a vessel on any waters of this state [for] towing a person on water skis [or a surfboard or similar device] , *a surfboard, an inflatable device or any similar device unless the operator:*

*(a) Is at least 14 years of age; or*

*(b) Is at least 12 years of age, if a passenger in the vessel is a person who is 21 years of age or older and is in a position to supervise the operator.*

2. *A person shall not operate a vessel on any waters of this state towing a person on water skis, a surfboard, an inflatable device or any similar device* unless there is in the vessel a person, in addition to the operator, *who is* in a position to observe [the progress of] the person being towed [.] *and is:*

*(a) At least 12 years of age; or*

*(b) At least 10 years of age, if another passenger in the vessel is a person who is 21 years of age or older.*

*The observer shall continuously observe the person being towed and*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 14.

Resolution read.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 327.

Amend the resolution, page 1, by deleting lines 22 and 23 and inserting: "care;

4. Financial assistance with the cost of child care; and

5. Other flexible or innovative practices, such as increased use of part-time employees, job-sharing, increased benefits for part-time employees and child care on the premises of the business, which will assist in maintaining the integrity of the employee's family.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted and engrossed.

By Assemblymen Dini, Myrna Williams, Price, Giunchigliani, Spriggs, Heller, Spitler, Sader, Goetting, Bache, Pettyjohn, Anderson, Bayley, Stout, Little, Bergevin, Freeman, Haller, Lambert, Scherer, Humke, McGaughey, Norton, Hardy, Garner, Petrak, Elliott, Carpenter, Bennett, Krenzer, Kerns, Wendell Williams, Evans, Porter, Arberry, Gregory, Johnson, Wong, Gibbons, McGinness, Marvel and Callister:

Assembly Concurrent Resolution No. 56—Commending Brett McGinness for winning the Nevada State Spelling Bee.

WHEREAS, Brett McGinness, the 13-year-old son of Assemblyman Mike McGinness, recently gained attention throughout this state when he won the Nevada State Spelling Bee sponsored by the Donrey Media Group in Nevada; and

WHEREAS, Brett qualified for the competition by winning a 7th grade spelling bee and then participated in the statewide competition which was held on April 6, 1991, at the Thomas and Mack Center in Las Vegas, defeating 39 contestants from the State of Nevada; and

WHEREAS, Upon winning the state competition, Brett received a $1,000 savings bond from the Nevada State Elks Past Exalted Rulers and a set of Encyclopedia Britannica; and

WHEREAS, Brett McGinness is currently preparing for the Scripps-Howard National Spelling Bee which will be held in Washington, D.C. from May 26 through June 1, 1991; and

WHEREAS, Brett has excelled in school and is currently a member of the National Junior Honor Society, the Churchill County Junior High School Student Council, the Churchill County Junior High School "Pride Club" and he is an "A" Honor Roll student; and

WHEREAS, Brett has also held the position of Senior Patrol Leader in Boy Scout Troop 423 in Fallon and he currently is a Patrol Leader of Venture Patrol with the rank of "Star"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby congratulate and commend Brett McGinness for his outstanding achievement in the Nevada State Spelling Bee and wish him good luck in the upcoming national competition; and be it further

RESOLVED, That Brett's mother and father, Dee and Mike McGinness and siblings Ryan and Shannon McGinness are also commended for the support and encouragement they have given Brett which has helped him achieve his goals; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Brett McGinness.

Assemblyman Myrna Williams moved that Assembly Concurrent Resolution No. 56 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 301, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, Bergevin and Little as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 301.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 55.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Egan, Polaha, Elcano, Mr. Youngberg, Ms. Bustamante and the following students from

Brookfield School, Reno: Rich West, Ryan Ruppert, Jim Edwards, Melissa Boyle, Julie Caramella, Elizabeth Hanley, Carrie Esposito, John Elcano, Tom Robb, Josh Hudson, Jeff Knox, Mike Adrian, Kris Polaha, Graham Smith, Mandy Munley, Heather Walker, Maryke Stuart, April West, Tina Price, Mike Zurek, Charley Quaglieri, Ben Guild, Mike Siva, James Dittman, Erik Jutras and Kim Smith.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frank Little, Mss. Rhea Little, Shelby Little, Shanna Little, Sheree Little and Sheryl Frazier.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 30, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), April 30, 1991

Assembly called to order at 11:14 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Murray.

Our gracious heavenly Father, we thank You for the privilege to approach You in prayer with our petitions. We ask that the deliberations and decisions made here today will be according to Your will and the good of the people of the State of Nevada. I pray for each of these men and women that You will bless and protect their lives and their families. Give them strength today, for we pray it in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 450, 451, 453, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, April 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 114.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 134 and requests a conference, and appointed Senators Hickey, O'Connell and Smith as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nevin, Getto and Rhoads as a first Committee on Conference concerning Senate Bill No. 28.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 21—Proposing to amend the constitution of the State of Nevada to extend the jurisdiction of the commission on judicial discipline.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court , [or] a district judge , *a justice of the peace or a municipal judge* may, in addition to the provision of article 7 for impeachment, be censured, retired , [or] removed *or otherwise disciplined* by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first

appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The supreme court shall make appropriate rules for:

(a) The confidentiality of all proceedings before the commission, except a decision to censure, retire or remove a justice or judge.

(b) The grounds of censure [.] *and other forms of discipline which may be imposed by the commission.*

(c) The conduct of investigations and hearings.

6. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

7. Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

8. If a proceeding is brought against a justice of the supreme court, no justice *of the supreme court* may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no *district* judge from the same judicial district may sit on the commission for that proceeding. *If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding.* If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

9. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

Assemblyman Sader moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Joint Resolution No. 22—Proposing to amend the constitution of the State of Nevada to allow an increase in the salaries of justices of the supreme court and district judges during their terms of office.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 15 of article 6 and section 9 of article 15 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. [:] 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be [increased or] diminished *but may be increased* during the term for which they [shall] have been elected. [, unless a Vacancy occurs, in which case] *If a vacancy occurs,* the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment [; and provision] , *which shall not be diminished but may be increased during the remainder of the term to which he was elected or appointed. Provision* shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.

Sec. [:] 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution . [; Provided,] *Except as otherwise provided in this Constitution,* no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Sader moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 23—Urging Congress to pass a Hunger Relief Act.

Assemblyman Freeman moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Gregory, Scherer, Freeman, Hardy, Heller, Elliott, Carpenter, Wong, Kerns, Petrak, Krenzer, Stout, Price, Garner, Little, Bache, Norton, Anderson, Spitler, Johnson, Bennett, Haller, Bergevin, Bayley, Marvel, Callister, Arberry, Gibbons, Sader, Goetting, Pettyjohn, Lambert, Humke, McGinness, McGaughey, Myrna Williams and Dini:

Assembly Concurrent Resolution No. 57—Directing the Legislative Commission to conduct an interim study of alternative education for pupils who have been suspended from school for violent acts.

Assemblyman Gregory moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 58—Directing the Department of Motor Vehicles and Public Safety to conduct an interim study of the feasibility of creating a uniform traffic citation and complaint form.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Assembly Concurrent Resolution No. 14.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 34:

Assemblyman Porter moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 460 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 458 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Goetting moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2081), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Goetting.

Roll call on Assemblyman Goetting's motion.

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Madam Speaker pro Tempore declared it carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 608—An Act relating to crimes; revising the definition of statutory sexual seduction; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 609—An Act relating to traffic laws; requiring under certain circumstances a third and fourth evidentiary test to determine the percentage of alcohol in a person's blood or breath if the difference between the percentage indicated by two samples is more than 0.02; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 610—An Act relating to cooperative agreements; authorizing cooperative agreements between public agencies of this state and Indian tribes concerning the regulation of hunting, fishing and water-based recreation; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 611—An Act relating to insurance; denying the right of an insurer to subrogation against an underinsured motorist while confirming the right to subrogation against an uninsured motorist; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 612—An Act relating to juveniles; requiring a child who violates the terms or conditions of an order of the court determining that he is in need of supervision to be placed in the custody of the welfare division of the department of human resources for evaluation, counseling and treatment or placement in an appropriate foster home; requiring the suspension of the driver's license of a child who commits certain unlawful acts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 613—An Act relating to reviewing the provision of health care; directing the state board of health to regulate persons who provide utilization review; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 614—An Act relating to the state system of communications; requiring the state communications board to provide a statewide telephone number for emergencies and to coordinate the various emergency services provided by telephone; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 615—An Act relating to public welfare; expanding eligibility under the state plan for assistance to the medically indigent to make ambulatory prenatal care available to a pregnant woman during a presumed period of eligibility; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 616—An Act relating to health care; requiring the state board of health to eliminate duplicative licensure and regulation of medical facilities and facilities for the dependent; requiring the health division and welfare division of the department of human resources and the state board of pharmacy to coordinate and combine investigations and inspections; requiring state agencies to consider the effect of proposed regulations on the cost of health care; requiring the preparation of a fiscal note concerning the effect of proposed legislation on the cost of providing health care; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 617—An Act relating to insurance; creating the program for compensation of neurological injuries related to birth; establishing a board to administer the program; requiring assessments of physicians and hospitals for coverage for neurological injuries as a result of injury at birth; authorizing the assessment of insurers under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 618—An Act relating to insurance; requiring the commissioner of insurance to establish a risk pool for persons who are medically uninsurable; establishing requirements for the operation of the pool; establishing requirements for participation in the pool; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 619—An Act relating to health care; authorizing the board of regents of the University of Nevada System and the health division of the department of human resources to establish a genetics program through the University of Nevada School of Medicine; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 620—An Act relating to public welfare; requiring the welfare division of the department of human resources, when cost-effective, to pay for health insurance for certain medically indigent persons; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 621—An Act relating to health; regulating review performed by or for third parties who pay for health care provided to others; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 622—An Act relating to mentally ill persons; revising the requirement that a person who is alleged to be mentally ill be examined initially at a hospital; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 623—An Act relating to mental health; authorizing certain employees of the mental hygiene and mental retardation division of the department of human resources to administer medication to clients at a division facility; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Hardy, Gregory, Wendell Williams, Scherer, Humke, Gibbons, Johnson, Bennett, Bergevin, Pettyjohn, Bayley, McGinness, Heller, Arberry, Elliott, Petrak, Wong, Haller, Carpenter, Kerns, Little, Porter and Stout:

Assembly Bill No. 624—An Act relating to public safety; establishing an additional penalty for any felony committed on or near the grounds of a public or private school or a campus of the University of Nevada System; making an appropriation to the department of education for the purchase and installation of surveillance cameras and metal detectors at certain schools; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Gregory, Scherer, Hardy, Heller, Elliott, Carpenter, Wong, Kerns, Petrak, Krenzer, Stout, Price, Garner, Little, Giunchigliani, Anderson, Norton, Bache, Spitler, Johnson, Bennett, Bergevin, Porter,

Haller, Bayley, Spriggs, Marvel, Callister, Arberry, Evans, Gibbons, Wendell Williams, Goetting, Pettyjohn, Lambert, Humke, McGinness, McGaughey, Myrna Williams and Dini:

Assembly Bill No. 625—An Act relating to crimes against the person; increasing the penalty in certain circumstances for an assault or battery upon a school employee; and providing other matters properly relating thereto.

Assemblyman Gregory moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gregory, Johnson, Hardy, Petrak, Bayley, Carpenter, Elliott, Scherer, Norton, Bergevin, Wong, Bennett, Krenzer, Garner, Porter, Haller, Anderson, Wendell Williams, Bache, Little, McGaughey, Spitler, Giunchigliani, Humke, Pettyjohn, Goetting, Myrna Williams, Heller, Freeman, Lambert, Callister, Evans, Arberry, Price, Gibbons, Stout, Marvel and Dini:

Assembly Bill No. 626—An Act relating to pupils; makes mandatory the suspension of a pupil who is found in possession of a dangerous weapon in certain circumstances; providing that only the principal may in certain circumstances approve the possession of a knife or firearm by a pupil; and providing other matters properly relating thereto.

Assemblyman Gregory moved that the bill be referred to the Committee on Education.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

## SECOND READING AND AMENDMENT

Assembly Bill No. 137.

Bill read second time.

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

Amendment No. 359.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*If a public employer is delinquent by more than 180 days in submitting a report or paying an amount due pursuant to subsection 3 of NRS 286.460, the system shall submit a written complaint to the department of taxation asking it to take such actions as are necessary to correct a condition of financial difficulty in accordance with NRS 354.650 to 354.720, inclusive.*".

Amend sec. 3, page 2, line 20, after "*payment*" by inserting "*or report*".

Amend sec. 3, page 2, line 22, by deleting "*payment.*" and inserting: "*payment or report.*".

Amend sec. 3, page 2, line 27, by deleting the bracket.

Amend sec. 3, page 2, line 29, by deleting the bracket.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 5 through 7 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in subsections 4, 5 and 6 and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract with a public employer under this system is disqualified from receiving any allowances under this system for the duration of that employment or contract if:

(1) He accepted the employment or contract within 90 calendar days after the effective date of his retirement; or

(2) He is employed in a position which is eligible to participate in this system.

(b) If a retired employee accepts employment or an independent contract with a public employer under this system more than 90 calendar days after the effective date of his retirement in a position which is not eligible to participate in this system his allowance under this system terminates upon his earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firemen in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment *or contracts* with [an] *a private* employer who is not a public employer under this system, the employee is entitled to the same allowances as a retired employee who has no employment [.] *, except that:*

*(1) Such an employee is disqualified from receiving any allowance from the system if:*

*(I) He accepted the employment or contract within 90 or fewer calendar days after the effective date of his retirement; and*

*(II) The private employer has a contractual obligation with the former public employer of the retired employee and the work of the retired employee is directly related to the private employer's performance made under the terms of the contract.*

*(2) The allowance received by such an employee will be terminated pursuant to paragraph (b) of subsection 1 if:*

*(I) He accepted the employment or contract more than 90 calendar days after the effective date of his retirement; and*

*(II) The private employer has a contractual obligation with the former public employer of the retired employee and the work of the retired employee is directly related to the private employer's performance made under the terms of the contract.*

2. The retired employee and the public employer shall notify the system:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a);

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b); and

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firemen in any fiscal year from an employment or contract governed by paragraph (b),
of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firemen must be computed on the basis of the most recent actuarial valuation of the system.

4. If a retired employee is chosen by election or appointment to fill an elective public office, he is entitled to the same allowances as a retired employee who has no employment, unless he is serving in the same office in which he served and for which he received service credit as a member.

5. The system may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

6. A person who accepts employment or an independent contract with either house of the legislature or by the legislative counsel bureau is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.".

Amend sec. 5, pages 3 and 4, by deleting lines 35 through 48 on page 3 and lines 1 through 10 on page 4, and inserting:

"286.551 1. [A] *Except as otherwise provided in this subsection, a* monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service, [until he becomes eligible to retire, except that:

(a) If a member who is a police officer or fireman completes 30 years of service before he reaches the age of 50 years, his eligibility for service credit ceases at the age of 50 years.

(b) If any other member completes 30 years of service before he reaches the age of 55 years, his eligibility for service credit ceases at the age of 55 years.

(c) The maximum allowance under paragraph (a) or (b) is 90 percent of average compensation.

(d) A member who:

(1) Retired on or after July 1, 1977; or

(2) Is an active member whose effective date of membership is before July 1, 1985,
and who has 36 years of service is entitled to a benefit of up to 90 percent of his average compensation.

(e) A member:

(1) Who retired before July 1, 1977; or

(2) Whose effective date of membership is after July 1, 1985, and who has 30 years of service,
is entitled to a benefit of up to 75 percent of his average compensation.] *except that a member:*

*(a) Who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of his average compensation with his eligibility for service credit ceasing at 30 years of service.*

*(b) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of his average compensation with his eligibility for service credit ceasing at 36 years of service.*

*In no case may the service retirement allowance determined pursuant to this section be less than the allowance to which the retired employee would have been entitled under the provisions of this section which were in effect on September 30, 1991.*".

Amend the title of the bill to read as follows:

"An Act relating to public employees' retirement; increasing the civil penalty for late reporting and payment of contributions by public employers; prospectively revising the upper limit on service credit for public employees; and providing other matters properly relating thereto.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 482.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $1,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and January 31, 1955; [or]

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975 [,] *; or*

*(c) Was assigned to active duty or who served on active duty outside of the United States in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1,*

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section the first $1,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1, and that the exemption is claimed in no other county within this state. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.".

Amend the title of the bill, first line, by deleting "property" and inserting "certain".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 525.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 389.

Amend section 1, page 1, line 5, after "NRS." by inserting: "*If more than one person organizes such a corporation, each of the persons organizing the corporation must, except as otherwise provided in subsection 2 of NRS 89.050, be authorized to perform the same professional service.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendments were proposed by the Committee on Commerce:

Amendment No. 485.

Amend sec. 11, page 3, line 10, after "*home park*" by inserting: "*which is located in a county whose population is 100,000 or more*".

Amend sec. 11, page 3, line 16, after "*landlord of*" by inserting "*such*".

Amend sec. 19, page 6, line 25, after "*park*" by inserting: "*which is located in a county whose population is 100,000 or more*".

Amend sec. 19, page 6, line 27, after "*landlord of*" by inserting "*such*".

Amend sec. 20, page 6, line 36, after "*park*" by inserting: "*which is located in a county whose population is 100,000 or more*".

Amend sec. 28, page 8, line 41, after "*act*" by inserting ", *if applicable,*".

Amendment No. 494.

Amend section 17, page 5, by deleting line 42 and inserting:

"Sec. 17. *1. All fees for licensing paid to the commis-*".

Amend section 17, page 5, after line 47 by inserting:

"*2. All civil penalties paid to the commission must be deposited with the state treasurer for credit to the state general fund.*".

Assemblyman Porter moved the adoption of the amendments.

Remarks by Assemblyman Porter.

Amendments adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 359.

Bill read third time.

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

Amendment No. 498.

Amend sec. 4, page 3, line 9, by deleting "*1.6*" and inserting "*3.5*".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 367.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 367:

YEAS—42.

NAYS—None.

Assembly Bill No. 367 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 470:

YEAS—39.

NAYS—Carpenter, Pettyjohn, Stout—3.

Assembly Bill No. 470 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

Assembly Bill No. 570 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 460.

Amend section 1, page 1, line 9, by deleting "*$10,000*" and inserting "*$5,000*".

Amend sec. 2, page 2, line 31, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 2, line 36, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 2, line 38, by deleting "*$10,000,*" and inserting "*$5,000,*".

Amend sec. 2, page 2, line 42, by deleting "*$10,000,*" and inserting "*$5,000,*".

Amend sec. 2, page 2, line 46, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 2, line 48, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 3, line 3, by deleting "*$10,000*" and inserting "*$5,000*".

Amend sec. 2, page 3, line 6, by deleting "*$10,000*" and inserting "*$5,000*".

Amend sec. 2, page 3, line 9, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 3, line 12, by deleting "*$10,000.*" and inserting "*$5,000.*".

Amend sec. 2, page 3, line 15, by deleting "*$10,000.*" and inserting "*$5,000.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Freeman, Wong and Krenzer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 134.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Norton, Bergevin, Little, Pettyjohn, Elliott, Scherer, Bayley, Heller, Petrak, Haller, Goetting, Bache, Lambert, Garner, Wong, Johnson, Humke, McGaughey, Evans, Porter, Bennett, Carpenter, Stout, Arberry, Callister, Giunchigliani and Price:

Assembly Bill No. 627—An Act relating to state lands; requiring the state land registrar to notify the governing body of a county or city before the sale, lease or other conveyance of state land; authorizing the governing body to request a public hearing concerning such sale, lease or conveyance; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 628—An Act relating to occupational diseases; limiting the circumstances under which an illness related to stress may be compensated as an occupational disease; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 629—An Act relating to industrial insurance; allowing a nonprofit corporation to reject industrial insurance coverage for its officers who do not receive pay; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 630—An Act relating to industrial insurance; making various changes relating to industrial insurance claims and payments; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 27, 29, 128, 158, 237; Senate Bills Nos. 114, 118.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Loni Byloff, Mary Ann Quaglieri, Terry Drendel, Sandy Goff, Georgia Gardner, Ms. Johanna Byloff and the following students from the Brookfield School, Reno: James Aufiero, Nicole Barton, Margo Buser, Melissa Cannone, Sarah Collins, Joshua Farahi, Jennifer Froemming, Jessie Gardner, Angela Gillingham, Cathy Goff, Kelli Hayes, Jaclyn Huntington, Eddy Quaglieri, Matthew Ronhaar, Sarah Sullivan, Liane Wakayama, Graham Wark and Allyson Watts.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mike Patterson.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Elizabeth Pesco and Ilaria Pesco.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 1, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), May 1, 1991

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Murray.

Our heavenly Father, we thank You once again for the privilege to address You with our petitions. We ask that You will guide these men and women as they oversee the affairs of government. May the laws they enact honor and glorify You and be a blessing to the people. We also want to pray for our President and all of the leaders who oversee our nation. Protect them and give them wisdom to make righteous decisions. Thank You for hearing our prayer, for it is in Christ's name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 542; Senate Bill No. 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 459, 522, 524; Senate Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 341, 390.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 245, 272, 295, 364, 389, 391.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 28.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Concurrent Resolution No. 56 be taken from the Chief Clerk's desk.

Motion carried.

Resolution read.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, McGinness, Petrak, Mr. Speaker, Kerns, Marvel, Carpenter, Spriggs, Humke and Callister.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I think all of us that are assembled in this chamber applaud Brett McGinness and we hope that our children and our grandchildren can strive to emulate this performance. I don't think many of them can, obviously, and that is why we are honoring him today. I ask for support of this resolution.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. I think I should probably rise in support of this resolution. He's a fine young man, and even if he wasn't my son, I would be proud to have him at my desk today.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues here, I rise in support of that particular resolution for a lot of reasons. I'm so proud of a young man that can do all this. As a young kid at that same age, way back when, I was crazy about spelling bees. I never won a state championship, but I always liked them so much. I have ten grandchildren to speak about, and I'm interested in them coming up with the same performance as that young man, so I stand here in support of that and congratulations, Brett. Thank you, Mr. Speaker.

MR. SPEAKER:

I, too, want to congratulate Brett. It is a high honor for us to go back to that competition. We like to see our young people encouraged to get into these competitions and do these things.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I, too, want to congratulate that young gentleman. He has a quality about him that really stands out for me; he's a baseball card collector. We have a tremendous time trading baseball cards back and forth. I've gotten to know him pretty well. This honor he's received is really great. I want to congratulate him, and I hope he has a great time and comes back the national winner. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of A.C.R. 56, and I certainly want to congratulate Brett. It just shows that our kids in the country are just as smart as the kids in the urban areas.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, want to rise in support of the resolution. I think that we should also congratulate the parents of this fine young man because we know that it all starts at home, so we want to not forget the parents.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I think we need a Mom to stand up and say congratulations and congratulations to the Mom also.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I support the resolution, as well, and ditto the remarks of the previous speakers which suggest the young man is a winner already. Thank you.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I didn't have the chance to add my congratulations a moment ago, but, also, I would just like to note for the record, of course, I have two, this comment is really directed at Brett. I have two really attractive young daughters. We are always kind of keeping our eye out for someone who we think is going to make a pot of money later on in life. So, give them a call in about ten years.

Resolution adopted unanimously.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 56 be immediately transmitted to the Senate.

Motion carried unanimously.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 631—An Act relating to local improvements; authorizing the engineer to prepare and the governing body to ratify certain documents without prior direction; authorizing the adoption of certain ordinances as if an emergency existed; making certain determinations conclusive; clarifying the substantive effect of protest by majority; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 632—An Act relating to administration of local government finances; increasing the limit on annual expenditures by special districts which may petition for an exemption from certain requirements of the Local Government Budget Act; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 633—An Act relating to state financial administration; expanding the permissible uses of money in the emergency fund; requiring an agency that receives money from the emergency fund to repay the fund if the use of another source of revenue is approved by the interim finance committee; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 634—An Act relating to public records; allowing a public agency to provide public records to the general public by means of computers and related systems; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 635—An Act relating to school districts; requiring the transfer of all accumulated sick leave of an employee of a school district who takes a position with another school district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bennett, Garner, McGaughey, Kerns, Krenzer, Johnson, Hardy, Norton, Wong, Scherer, Arberry, Spriggs, Lambert, Porter, Elliott, Petrak, Myrna Williams, Callister and Spitler:

Assembly Bill No. 636—An Act relating to insurance; requiring an insurer to approve or deny a claim relating to a policy of health insurance within a certain period; requiring an insurer to pay such a claim within a certain period after the claim is approved; requiring an insurer to pay interest on that claim if the insurer fails to pay the claim within that period; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Haller, Bennett, Wong, Garner, Bache, Carpenter, Elliott, Marvel, Bayley, Gregory, Johnson, Dini, Humke, McGaughey, Evans, Petrak, McGinness, Anderson, Scherer, Bergevin, Giunchigliani, Goetting, Spitler, Norton, Arberry, Price, Krenzer and Heller:

Assembly Bill No. 637—An Act relating to education; requiring the board of regents to administer a program for the advance payment of tuition, room, board and fees at a community college or university in the University of

Nevada System; authorizing the board of regents to execute a contract for advance payment; requiring the board of regents to adopt regulations concerning the program; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 638—An Act relating to air pollution; prohibiting the open burning of leaves; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Hardy, Scherer, Gregory, Arberry, Petrak, Bennett, Elliott, Carpenter, Gibbons, Heller, Stout and Porter:

Assembly Bill No. 639—An Act relating to health facilities; repealing the provisions requiring the approval of the director of the department of human resources for certain projects of health facilities; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Humke, Kerns, Evans, Anderson, Marvel, Freeman, Gibbons, Haller and Johnson:

Assembly Bill No. 640—An Act relating to motor vehicles; authorizing the imposition of a fee on the refining or importation of motor vehicle fuel if special equipment is required for dispensing it in the county where the fee is imposed; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Price, Anderson, Bennett, Wong, Garner, Bache, Elliott, Haller, Marvel, Johnson, Dini, Humke, McGaughey, Evans, Petrak, Stout, Callister, Norton, Pettyjohn, Goetting, Freeman, Arberry, McGinness, Gibbons, Wendell Williams and Myrna Williams:

Assembly Bill No. 641—An Act relating to state agencies; creating the commission for democracy and prescribing its powers and duties; abolishing the commission for the bicentennial of the United States Constitution; providing for the transfer of money from the commission for the bicentennial of the United States Constitution to the commission for democracy; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 245.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 272.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 295.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 341.

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

Motion carried.

Senate Bill No. 364.

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

Motion carried.

Senate Bill No. 389.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 390.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 391.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:39 a.m.

## ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which were referred Assembly Bills Nos. 241, 243, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2085), requested by the Committee on Education, be introduced by individual assemblymen.

Remarks by Assemblyman Wendell Williams.

Motion carried unanimously.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 24—Proposing to amend section 3 of article 9 of the constitution of the State of Nevada, relating to public debts, to authorize the state to finance the purchase of certain securities and to enter into certain agreements notwithstanding the limitations on state indebtedness.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. *1.* The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature [, make] *:*

*(a) Make* and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise [.] ;

*(b) Incur obligations to finance the purchase of bonds lawfully issued by school districts in this state; and*

*(c) Enter into installment or lease purchase agreements if the state's obligations under those agreements are extinguished by the failure of the legislature to appropriate money for the ensuing biennium for payment of the amounts then coming due.*

The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts [,] *or agreements*, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Anderson, Evans, Sader, Bergevin, Spriggs, Giunchigliani, Gregory, Pettyjohn, Wong, Johnson, Goetting, Callister, Gibbons, Bennett, Petrak, Bache, Scherer, Norton, Humke, Bayley, McGinness, Haller, Wendell Williams, Garner, Marvel, Stout, Freeman, Lambert, Arberry, Carpenter, Little, Porter, McGaughey, Elliott, Hardy, Price, Kerns, Krenzer, Heller and Dini:

Assembly Concurrent Resolution No. 59—Declaring the annual Sparks Hometowne Christmas Parade as the official Christmas parade of the State of Nevada.

WHEREAS, The Sparks Hometowne Christmas Parade is the largest Christmas celebration in the State of Nevada; and

WHEREAS, Each year since its origination in 1987, the Sparks Hometowne Christmas Parade has increased in the number of parade entries from only 29 entries in 1987 to 85 advanced entries for 1991; and

WHEREAS, Last year, included along the parade's route were four parade stands with live entertainment by well-known celebrities; and

WHEREAS, Last year this beautiful parade was televised by a local affiliate of a national broadcasting company and it was so successful that it will be televised in the future; and

WHEREAS, The entire celebration is actually a full day of activities designed to bring feelings of love, warmth and happiness to its participants; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature hereby commend the initiative, dedication and hard work demonstrated by the organizers of the Sparks Hometowne Christmas Parade; and be it further

RESOLVED, That the Nevada Legislature hereby declares that the Sparks Hometowne Christmas Parade is the official Christmas parade of the State of Nevada; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Sparks Redevelopment Agency and the City Manager of the City of Sparks.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Evans, Goetting and Haller.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I ask for the adoption of A.C.R. 59. Sometimes we fail to recognize when a new event comes into a community, even though it has long-standing tradition. That is, indeed, what has happened in the City of Sparks. This resolution in no way diminishes or takes away or detracts from Christmas parades that are going to be held anywhere else in the State of Nevada. In fact, the City of Sparks wishes to invite other communities to participate in this long, one-day event. Sitting with me today is Mr. Tom Burrous and June Palmer, both of whom have had a great role in developing this parade in the City of Sparks, and this coming year will be the fifth annual. The hometown Christmas

parade has been held since 1987. Mr. Burrous began with the City of Sparks in 1987, and he, indeed, brought this particular event to our city. I ask for your consideration. Of course, I am sure you note the cookies at everybody's desk today which were brought to you by a prominent downtown city merchant in the City of Sparks. The snow that is falling outside, however, is not a purported part of this resolution. However, you couldn't ask for better weather. Again, I ask for adoption of A.C.R. 59.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, would like to rise in support of A.C.R. 59. I think it is one of the more wonderful things about Sparks, and that is why those of us who live there are so fond of our hometown because it has a lot of wonderful traditions, because it is still of the size where you feel like it is your hometown, where you know your neighbors, your neighbors know you. There is a lot of warmth and closeness. If you have not participated in any way in this parade, it's wonderful. If you haven't seen the revamping of downtown Sparks, Victorian Square is something worth sharing and worth visiting, and come Christmas time, we hope you'll all be there.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. I rise in support also of this resolution. I just have one comment to make to the chief sponsor. I think his Ebenezer Scrooge costume—well, I'll take that back—I think he looks more like Ebenezer Scrooge than he does like Kris Kringle. But anyway, I do support this resolution.

ASSEMBLYMAN HALLER:

I rise in support of this resolution. It may come as a surprise to some people here that I taught for a lot of years in Sparks. I probably know more mothers than Bernie does. I do get them to vote for him, however. Actually, I have to correct my colleague from Sparks. This celebration has been going on since about 1959 because my birthday happens to be December 25th.

Resolution adopted.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 59 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Goetting, Stout, Carpenter, Elliott, Little, Garner, Myrna Williams, Giunchigliani, Spriggs, Scherer, Norton, Heller, Hardy, Haller, McGinness, Spitler, McGaughey, Porter, Evans, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Arberry, Sader, Gregory, Bergevin, Freeman, Lambert, Bache, Anderson, Pettyjohn, Bayley, Humke, Price and Dini:

Assembly Concurrent Resolution No. 60—Commending Michael Landon for his courage in his battle against cancer.

WHEREAS, Thirty-one years ago the television series Bonanza premiered, bringing instant national attention to Nevada; and

WHEREAS, The pilot episode was filmed in 1959 near Incline Village, and every year thereafter the film crews would return to include the Tahoe Basin, Virginia City and Truckee Meadows as backdrops for the series; and

WHEREAS, The Ponderosa Ranch has been recreated at Incline Village and every year nearly 250,000 visitors drop in for a visit into the past with the Cartwright family; and

WHEREAS, Bonanza ran for 14 years and the world came to know and love the Cartwright family, and especially the youngest son "Little Joe" played by actor Michael Landon; and

WHEREAS, The recent news that Michael Landon is fighting pancreatic cancer has stunned all of the country, but especially those persons living in Nevada who came to look upon Michael Landon as a friend; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature commend Michael Landon for his strength of character and his positive attitude as he fights his battle with cancer; and be it further

RESOLVED, That the State of Nevada will always consider Michael Landon a native son who helped bring a part of the history of Nevada and its beauty to millions of Americans every week for 14 years; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Michael Landon.

Assemblyman Goetting moved the adoption of the resolution.

Remarks by Assemblyman Goetting.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. Michael Landon represents the character and spirit of Nevada. His old fashioned values with emphasis on family and work ethics are the qualities which need to be reinforced in everyone.

The positive image that the television series "Bonanza" created for Nevada is highlighted by the 250,000 annual visitors to the Ponderosa Ranch.

After doing research on Michael Landon, one quality of his that I admire is his firehouse sense of humor. On the set, Landon was known for his great sense of humor. On the set of "Little House on the Prairie," one co-worker described his sense of humor as "deranged." When people visited the set, especially women who had a crush on him, he'd conceal a small lizard or frog in his cheek. He'd close his mouth and come up with a winning smile. He'd say, "Hi," and the lizard or frog would leap out. He did this dozens of times. They finally had to stop him because the children were starting to emulate him. Another co-worker recalls that he has a great laugh, and a respect for family and for decency that transcends the dollar.

Michael has also been known to be a great practical joker. One day he saw his stunt double eating his third ice cream cone. "You're getting fat, Bubba," said Michael. Then he secretly asked the wardrobe man to take in the stuntman's costume a half inch each week for about six weeks sending the alarmed stuntman into a full-fledged diet.

Many of his co-workers describe him as a "regular guy" who did not have a star's dressing room and many times shared his dressing room with others on the show.

Brandon Tartikoff describes Michael Landon as being very much like the character Jonathan Smith, who he played on "Highway to Heaven" in the relationship Michael has had with a lot of people. He has come into ordinary people's lives and had a very special effect on them.

This resolution is a good-will gesture designed to commend "Little Joe" for his strength of character and positive attitude as he fights his battle with cancer, to let him know that all Nevadans are behind him and wishing him well and that all Nevadans thank him.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 28:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 642—An Act relating to insurance; repealing certain provisions which prohibit monopolies by insurance companies to allow the

federal antitrust laws to apply; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 459.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 2, line 20, by deleting "*gross*".

Amend sec. 3, page 2, line 48, by deleting "*gross*".

Amend the bill as a whole by deleting sections 4 through 11.

Amend the title of the bill to read as follows:

"An Act relating to false personation; increasing the penalty for the sale, loan or gift of a counterfeit, forged or otherwise altered document for personal identification to a person under 21 years of age; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 390.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 424.

Amend section 1, page 1, by deleting lines 14 through 25 and inserting:

"2. If the child does not possess a driver's license and the child is or will be eligible to apply for a driver's license within the [6 months] *2 years* immediately following the date of the order, the judge, or his authorized representative, [may] *shall* issue an order prohibiting the child from applying for a driver's license within the 6 months [immediately] *:*

*(a) Immediately* following the date of the order [.] *, if the child is eligible to apply for a driver's license.*

*(b) After the date the child will be eligible to apply for a driver's license, if the child is not eligible to apply for such a license on the date of the order.* The court shall, within 5 days after issuing the order, forward to the department a copy of the order.

3. *If a child is found to have committed a subsequent unlawful act as set forth in subsection 1 and is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.*

*4.* The department shall not:

(a) Treat such an unlawful act in the manner statutorily required for moving traffic violations.

(b) Report a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record.

*(c) Require the child to submit to the examination provided in NRS 483.330 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this section unless the suspension also resulted from his poor performance as a driver.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. NRS 62.226 is hereby amended to read as follows:

62.226 1. Whenever any child is found to have committed the unlawful act of:

(a) Using, possessing, selling or distributing a controlled substance; or

(b) Purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020,

the judge, or his authorized representative, [shall] *may,* if the child possesses a driver's license, issue an order suspending the child's driver's license for 6 months. If such an order is issued, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order.

2. If the child does not possess a driver's license and the child is or will be eligible to apply for a driver's license within the 2 years immediately following the date of the order, the judge, or his authorized representative, [shall] *may* issue an order prohibiting the child from applying for a driver's license within the 6 months:

(a) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(b) After the date the child will be eligible to apply for a driver's license, if the child is not eligible to apply for such a license on the date of the order. The court shall, within 5 days after issuing the order, forward to the department a copy of the order.

3. If a child is found to have committed a subsequent unlawful act as set forth in subsection 1 and is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order an additional suspension or delay, as appropriate, to apply consecutively with the previous order.

4. The department shall not:

(a) Treat such an unlawful act in the manner statutorily required for moving traffic violations.

(b) Report a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record.

(c) Require the child to submit to the examination provided in NRS 483.330 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this section unless the suspension also resulted from his poor performance as a driver.

Sec. 3. NRS 481.280 is hereby amended to read as follows:

481.280 The commission shall:

1. Develop and coordinate a state master plan which must include:

(a) All existing and future plans and reports developed by state and local agencies, task forces, councils, committees and community programs for substance abuse education, prevention, enforcement and treatment;

(b) A summary of the current activities of the commission;

(c) The goals and objectives of the commission;

(d) The order of priority concerning the efforts required to achieve the goals and objectives of the commission; and

(e) A statement of the roles of state and local governmental agencies and the private sector in the achievement of the goals and objectives of the commission.

2. Prepare and deliver to the governor on or before September 1 of each year a report which summarizes the status of the state master plan and of the commission's efforts to achieve its goals and objectives.

3. Hold and coordinate public hearings throughout the state as necessary to receive information from the public relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and the enforcement of laws relating to drugs and alcohol.

4. Encourage the creation of state and local task forces, councils and committees relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and enforcement of laws relating to drugs and alcohol and develop procedures to receive information and recommendations from the task forces, councils and committees on a regular basis.

5. Recommend to the governor in its annual report any proposed legislation relating to education concerning the abuse of drugs and alcohol, prevention and treatment of the abuse of drugs and alcohol and enforcement of laws relating to drugs and alcohol.

6. Collect, evaluate and disseminate information concerning the performance of the programs for substance abuse education, prevention, enforcement and treatment.

7. Disseminate information concerning any new developments in research or programs for substance abuse education, prevention, enforcement and treatment.

8. Establish a program to recognize publicly persons and programs that have helped to prevent and treat the abuse of drugs and alcohol and enforce laws relating to drugs and alcohol in this state.

*9. Disseminate information concerning the provisions of NRS 62.226 with the assistance of the department of human resources, the department of motor vehicles and public safety and the superintendent of public instruction.*

Sec. 4. NRS 483.480 is hereby amended to read as follows:

483.480 1. The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon written notice of at least 5 days to the licensee require him to submit to an examination. Upon the conclusion of the examination the department shall take action as may be appropriate and may suspend or revoke the license of the person or permit him to retain the license, or may issue a license subject to restrictions as permitted under NRS 483.360 or restrictions as to the type or class of vehicles that may be driven. Refusal or neglect of the licensee to submit to the examination is grounds for suspension or revocation of his license.

2. Except as otherwise provided in *NRS 62.226 or* subsection 3 or 4, the department shall require that a licensee submit to the examination provided in NRS 483.330 as a condition of reinstatement or reissuance, after any suspension or revocation of his license.

3. The department may waive the portion of the examination required by subsection 2 which consists of an actual demonstration of ability to exercise control in the operation of a motor vehicle if the suspension or revocation was for other than the poor performance of the driver.

4. Except for the suspension of a driver's license pursuant to subsection 3 of NRS 483.465, the department shall not charge an additional fee or require an additional examination for the reinstatement of a revoked or suspended license if the additional fee or examination arises out of the same offense for which the license was previously revoked or suspended and the driver has previously reinstated his license after that offense.

Sec. 5. NRS 483.490 is hereby amended to read as follows:

483.490 1. Unless otherwise provided by specific statute, the department may not suspend a license for a period of more than 1 year.

2. [After] *Except as otherwise provided in subsection 3, after* a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

*3. After a driver's license has been suspended pursuant to NRS 62.226, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:*

*(a) If applicable, to and from work or in the course of his work, or both; and*

*(b) If applicable, to and from school.*

*4.* A driver who violates a condition of a restricted license issued under subsection 2 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided by subsection 2 of NRS 483.560.

[4.] *5.* The periods of suspensions and revocations under this chapter and under NRS 484.384 must run consecutively, except as provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

[5.] *6.* Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.".

Amend sec. 2, page 2, lines 6 and 7, by deleting: "*section 1 of this act.*" and inserting "*NRS 62.226.*".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 2, to read as follows:

"Sec. 7. 1. This section and sections 1 and 3 to 6, inclusive, of this act become effective on October 1, 1991.

2. Section 2 of this act becomes effective on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to juveniles; expanding the applicability of the existing provision authorizing the suspension or delay in issuance of the driver's license of any juvenile who is convicted of certain crimes related to alcohol or controlled substances; temporarily making that provision mandatory; authorizing the issuance of a restricted license under certain circumstances; providing for the dissemination of information regarding certain statutory provisions; and providing other matters properly relating thereto.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblymen Spitler and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 348.

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

"Section 1. NRS 617.340 is hereby amended to read as follows:

617.340 In all cases under this chapter, the date of disablement is such date as the insurer determines on hearing of the employee's claim . [in accordance with the findings of one of the medical boards as provided in NRS 616.190.]

Sec. 2. NRS 616.190, 616.540 and 617.375 are hereby repealed.".

Amend the bill as a whole by adding the text of the repealed sections, following sec. 2, to read as follows:

"TEXT OF REPEALED SECTIONS

616.190 Medical panels; medical review boards.

1. The administrator shall annually request the Nevada State Medical Association and the Nevada State Chiropractic Association, respectively, to select and establish two panels. The members of each panel must include two orthopedic surgeons, two neurosurgeons, two surgeons whose practice is not limited to any specialty, two psychiatrists, an internist, a family practitioner, another physician and two chiropractors who are in good professional standing and who have displayed an active interest in the advancement of their profession. If the Nevada State Medical Association or the Nevada State Chiropractic Association is dissolved, the administrator shall appoint the members from that profession after consulting the state health officer. When an injured employee is referred to the panel, the insurer, after reviewing all pertinent medical records, shall select two members of the panel whose specialties are related most directly to the problem presented, and a third member from the remaining members of the panel. The three members selected are the medical review board for that case. This board may seek further consultation and advice from any physician or chiropractor of its choice. A board must be selected from the members of the panel for each claimant referred. Members of a panel may be reappointed from year to year, with the respective approval of the Nevada State Medical Association and the Nevada State Chiropractic Association so long as each respective organization exists.

2. The state is hereby divided into two medical board districts, as follows:

(a) Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey and Washoe constitute the first medical board district.

(b) The counties of Clark, Esmeralda, Lincoln, Nye and White Pine constitute the second medical board district.

3. One of the lists referred to in subsection 1 must be composed of licensed physicians and chiropractors practicing in the first medical board district and the other list must be composed of physicians and chiropractors practicing in the second medical board district.

4. The jurisdiction of the medical boards is concurrent and limited solely to the consideration and determination of medical questions and the extent of disability of injured employees referred by the insurer. Such a board shall not consider or determine legal questions such as whether the injury arose

out of and in the course of employment. The findings of the medical boards or a majority of the members of each board are final and binding on the insurer.

5. Each member of the medical boards is entitled to receive his usual medical fee for each referred case, which represents compensation for the initial review of medical records, the examination and the preparation of the report. Each report must be signed by all members of the medical review board appointed for that case.

6. Each member of the medical boards is entitled to reasonable and necessary traveling expenses incurred while actually engaged in the performance of his duties.

616.540 Reference of claims to medical board.

1. If on a claim for compensation by an injured employee any medical question or the extent of disability of an injured employee is in controversy, an appeals officer or the insurer may refer the case to the medical board which serves the appropriate district.

2. The medical board shall, upon such reference, notify the injured employee of the time and place set for examination and investigation into the medical question or determination of the extent of disability. At the time set, the medical board shall make a thorough examination of the injured employee, who may have a physician or chiropractor of his own choosing in attendance. In a joint report, if all of the medical board members are in agreement, the members shall submit their findings, conclusions and recommendations, concerning medical questions only, to the person who referred the case.

3. Should the medical board not be in agreement as to the findings, conclusions and recommendations, the members of the medical board shall submit separate reports, concerning medical questions only, to the person who referred the case.

617.375 Disputed claim referred to medical review board. If, on a claim for compensation, any medical question is in controversy, the claim may be referred to the medical review board created pursuant to NRS 616.190 for determination in the same manner as provided in NRS 616.540.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; abolishing the practice of referring matters to a medical review board; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Abolishes practice of referring certain industrial insurance matters to medical review board. (BDR 53-1889)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 450.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 451.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 456.

Amend sec. 6, page 2, by deleting lines 3 and 4.

Amend sec. 6, page 2, line 5, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 6, page 2, line 7, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 6, page 2, by deleting lines 13 and 14.

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

"Sec. 10. NRS 445.264 is hereby amended to read as follows:

445.264 1. The department shall notify each interested person and appropriate governmental agency of each complete application for a permit, and shall provide them an opportunity to submit their written views and recommendations thereon. *The provisions of this subsection do not apply to an application for a temporary permit issued pursuant to section 7 of this act.*

2. Notification must be in the manner provided in the regulations adopted by the commission pursuant to applicable federal law.

3. If the treatment works are to discharge into any waters of this state which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of 35,000 or more, the department must include in its notification each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.

Sec. 11. NRS 445.267 is hereby amended to read as follows:

445.267 The commission shall provide by regulation:

1. An opportunity for each permit applicant, interested agency, city, county or irrigation district located downstream from the point of discharge, or any person to request a public hearing conducted by the director with respect to each permit application; and

2. For public notice of the hearing, at least 30 days before the date of the hearing.

*The provisions of this section do not apply to an application for a temporary permit issued pursuant to section 7 of this act.*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Assemblyman Freeman moved that Assembly Bill No. 456 be re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 477.

Bill read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 76.

Bill read third time.

Remarks by Assemblymen Carpenter, Scherer and Freeman.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. A.B. 76 is a major bill dealing with watercraft. I brought along today a large bottle of champagne, the budget cutting variety, and the first lady of the Natural Resources Committee is going to do the honors of breaking this bottle of champagne across the bow of the mighty vessel. The SS A.B. 76 of the Nevada Assembly was carefully crafted by the sailors in the Department of Wildlife. They sent it over to the Natural Resources Committee, and it was immediately put in dry dock. After that, fireman Kerns tried to throw a lot of cold water on it and the graduates of the naval academy, ultra conservatives Assemblymen Little and Spriggs, talked about sabotage and there was talk of torpedoing our mighty vessel, but it survived. Commander Sader of the SS Judiciary didn't want this vessel floating around in his fishing lanes, so he had to take care of it. The three Seabees, Norton, Johnson and Carpenter, floated down to Las Vegas via the Humboldt River. The coast guard boarded this vessel and took many trips around Lake Mead to try and decide what they would do with it. It was subject to a great many wakes. Then Seaman First Class, Scott Scherer, borrowed it to teach his son how to water ski and be a proper flagman for water skiers. Ensign Scott took it to Laughlin where they took a lot of trips across the Colorado River to check out the emergency gear on it. Mr. Speaker, the favorite harbor of this famous bill is the chief clerk's desk. It had shore duty five times. Assemblyman Marvel thought it was a submarine; it was never going to come up for air. Today, I would like to launch this famous vessel over to the Senate. I am sure the admirals of the Senate will board for a pleasure cruise on our love boat, and hopefully they will have clear sailing to the desk of the Commander in Chief for final signature.

Mr. Speaker, I need to go back to what this bill is really about. A.B. 76 changes the statute relating to watercraft. A peace officer that observes a watercraft operated in unsafe condition can take steps to either correct the condition or take it to a safe moorage. There are various restrictions on personal watercraft. The most significant is a personal watercraft operator must be at least 12 years of age. It describes when a diver's flag must be displayed, and it is unlawful to display a flashing blue light on a boat unless it's a police boat. It defines a flat wake. If you want an answer you have to ask my Seabee friend, Mr. Norton. It has emergency language to take care of the people in Laughlin. It describes where you can not moor your boat. I've had a lot of education and fun with this bill, but I hope that I don't see it again. My friend, Scott, from the Las Vegas area, will explain the various age limits for boat operation and water skiing.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I was asked to briefly explain one section of the bill which relates to the towing of skiers or others and sets minimum age requirements. Those age requirements now would be 14 years old to operate the vessel or 12 if accompanied by an adult, 12 to be an observer or 10 if accompanied by an adult. Since that time, other objections have been raised and maybe this needs to go back to the chief clerk's desk.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I just wanted to tell my colleague, Mr. Carpenter, I'm looking forward to crashing the bottle of champagne on the bow of this particular vessel. I am ready to tell it, "Hail and farewell and happy journey," and I beg you to vote for this bill.

Roll call on Assembly Bill No. 76:

YEAS—41.
NAYS—Marvel.

Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 76 be immediately transmitted to the Senate.

Motion carried unanimously.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 391 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 387:

YEAS—42.
NAYS—None.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 525:

YEAS—42.
NAYS—None.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 74, 303, 331, 357.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Michael La Roche, John Sturley, Mr. and Mrs. Will Robertson, Mrs. Terry Stuart and the following students from the Plumas Christian School, Quincy, California: Jessie Stuart, Hilary Paz, Drew Lindegard, Jeremy Beatley and Jamie Engle; Mrs. Mary Ann Kidder, Mr. Jeff Littefield, Ms. Peggy Lear Bowen and the following students from Stead Elementary School, Reno: Amie Buchanan, Christine Chemist, Gregory Chilson, Albert Daniel, Robert Dunson, Jolene Elfgen, Zachariah Fitts, Robert Beyer, Steven Dailey, Kimberly Daniel, Star Dyer, Darin Goslar, Amber Hess, Timothy Jones, Jamison Lamb, Ryan Bibbey, Kristin Briceno, Salvador Castellon, Gianna Curreri, Kelly Eiler, Tanya Johnson, Kerry Lenard, Joshua May, Rosana Haynes, Jessie Lee/Castrino, Paul Leroy, Jacob Morgan, Shannon Reed, Rosella Roberts, Nicholas Scheffel, Aaron Little, Emily Little, Robin Meyer, Adria Nachtmann/Leblac, Samuel Ortiz, Lee Phillips/Carney, Erin Puckett, Angela Secoy, Suzanne Mitchell, Randy Morris, Megan O'Neil, Alissa Otto, Steven Perry, Jason Silverhardt, Don Spradley, Tabitha Steadman, Jacob Smith, Jackson Tesh, Jessica Todd, Dennis Vanfleet, Laura Wotring, Chantel Ybarbo-Tarkenton, Leslie Simerl, Tia Slobe, Robert Triner, Callie Whittington, Stanley Whitton, Christopher Wood, Christopher Wright, Christina Talamo, Jason Turner, Karena Wagner, Michael Wakeley, Christine Waugaman and Meiglan Doyle.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Burrous and Ms. June Palmer.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Diane Mooney, Mary Conklin, Ann O'Neill and the following students from Our Lady of Snows School, Reno: Molly Conklin, Chris Szabo, Mah O'Mava, Catherine O'Mava, Mike Slavin, Chris Conklin, Matt Digesti, Sean Flanagan, Tiffany Chunat, Molly Brown, Carie Tingley, Sean Mooney, J. B. Benna, Kristin Wozniak, Brent O'Neill and Ryan Cobb.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness, Master Brett McGinness, Ms. Shannon McGinness, Mr. Joe McGinness, Mrs. Helen McGinness, Mr. Les Pearce, Mrs. Betty Pearce, Mesdames Jo Ellen Adams and Allie Mahoney.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 2, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 2, 1991

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Murray.

Our gracious, heavenly Father, we are mindful of the privilege and responsibility we have to submit our lives to You as we conduct the business of government. We ask for Your insight and wisdom as these men and women make decisions that will affect thousands of lives. Your word says that "blessed is the nation whose God is the Lord." We acknowledge that we are one nation under God. Help us to stand for what is right and equitable and just. For we pray, in Christ's name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary without recommendation.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 56, 59.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 304.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Adler, Smith and Cook as a first Committee on Conference concerning Senate Bill No. 62.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, O'Connell and Shaffer as a first Committee on Conference concerning Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 40.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 483 be re-referred to the Committee on Judiciary.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 249 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 246 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Garner.

Motion carried.

Senate Concurrent Resolution No. 40.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Scherer:

Assembly Bill No. 643—An Act relating to education; revising the provisions establishing the requirements to obtain a license to teach in Nevada; allowing a nonacademic course of study to be used to meet the requirements for graduation from high school; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Scherer, Johnson, Petrak, Gibbons, Bennett, Bayley, Garner, McGaughey, Lambert, Haller, Hardy, Heller, Wong, Krenzer, Bache, Norton and Gregory:

Assembly Bill No. 644—An Act relating to zoning; requiring a planning commission or a governing body to review certain criteria before approving a master plan, variance, special use permit or other special exception to a zoning ordinance; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Wendell Williams, Arberry, Porter, Carpenter and Price:

Assembly Bill No. 645—An Act relating to financial institutions; requiring certain institutions to report their loan activity to the commissioner of financial institutions; prohibiting the limiting of mortgage and business loans to certain neighborhoods; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Krenzer, Wong, Bennett, Gibbons, Petrak, Elliott, Johnson, Heller, Spriggs, Gregory, McGaughey, Pettyjohn, Haller, Norton, Bayley, Bache, Dini, Porter, Hardy, Sader, Bergevin, Lambert, Spitler, Myrna Williams, Carpenter, Anderson, Garner, Freeman, Callister, Giunchigliani, McGinness, Kerns, Wendell Williams, Humke, Evans, Arberry, Marvel and Price:

Assembly Bill No. 646—An Act relating to discrimination; expanding the jurisdiction of the Nevada equal rights commission to include the authority to hear complaints relating to discrimination against persons with mental disabilities; providing additional remedies for a violation of the provisions relating to equality of access to public accommodations; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 304.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Education and Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 350.

Amend section 1, page 1, line 3, by deleting "five" and inserting "11".

Amend section 1, page 1, by deleting lines 6 through 11 and inserting:

"(a) One member who is an employee of the rehabilitation division of the department of human resources.

(b) One member who is an employee of the welfare division of the department of human resources and participates in the administration of the state program providing assistance to the medically indigent.

(c) One member who is a licensed insurer in this state.

(d) One member who represents the interests of educators in this state.

(e) One member who is a person professionally qualified in the field of psychiatric mental health.

(f) Two members who are employees of private providers of rehabilitative health care located in this state.

(g) One member who represents persons who operate community-based programs for mental health in this state.

(h) One member who represents hospitals in this state.

(i) Two members who represent the recipients of health care in this state.".

Amend section 1, page 2, between lines 3 and 4 by inserting:

"(b) "Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.".

Amend section 1, page 2, line 4, by deleting "(b)" and inserting "(c)".

Amend section 1, page 2, line 6, by deleting "(c)" and inserting "(d)".

Amend sec. 2, page 2, line 17, by deleting "Two" and inserting "Four".

Amend sec. 2, page 2, line 18, by deleting "Two" and inserting "Four".

Amend sec. 2, page 2, line 19, by deleting: "One member whose term expires" and inserting: "Three members whose terms expire".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 395.

Amend sec. 7, page 3, line 23, by deleting "$2,700,000" and inserting "$1,350,000".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 396.

Amend section 1, page 1, by deleting lines 5 through 16 and inserting: *"programs. Before awarding such a grant or otherwise making the grant available for use in a latchkey program, the bureau shall determine that:*

*(a) The child is a member of a family with low income;*

*(b) The parents or legal guardians of the child are employed, seeking employment, enrolled in a job training program or enrolled in an educational program; and*

*(c) The cost for the child to participate in the latchkey program is set on a sliding scale based on need and will be paid in the following proportions:*

*(1) One-half by the family of the child or by sources other than the state; and*

*(2) One-half by the grant.*

*2. As used in this section, "latchkey program" means a program conducted at a public or private school or a nonprofit organization to provide children whose parents are employed, seeking employment or otherwise gainfully occupied during the time the children are not in class with the opportunity to participate in various activities in a supervised and structured environment. The term does not include a program which provides services in a private home."*.

Amend the title of the bill, second line, by deleting "employed" and inserting "gainfully occupied".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 312.

Bill read second time.

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

Amendment No. 346.

Amend section 1, pages 1 and 2, by deleting lines 17 through 26 on page 1 and lines 1 through 36 on page 2 and inserting:

"2. Subject to the provisions of [subsections 4 and 6,] *subsection 3*, the terms of those [elected officers] *members* appointed pursuant to paragraphs (a) and (b) of subsection 1 [,] are coterminous with their respective terms in their specified elective offices.

3. [Subject to the provisions of subsections 4 and 6, the terms of the other members of the Board are 4 years.

4. Any member of the Board appointed pursuant to paragraph (c) of subsection 1 may be reappointed to not more than two additional, consecutive terms.] Those members appointed pursuant to paragraph (a) or (b) of subsection 1 may be removed by the appointing board with or without cause. [Those members appointed pursuant to paragraph (c) of subsection 1 may be removed by the vote of three other members of the Board with or without cause.

5.] *4.* Any vacancy occurring among the members of the Board appointed under paragraph (a) or (b) of subsection 1 [,] must be filled promptly by the board which appointed the member whose position has become vacant. Any vacancy occurring among the members of the board [appointed under] *elected pursuant to* paragraph (c) *or (d) of subsection 1* must be filled promptly by [the members of the Board who were appointed under paragraphs (a) and (b).

6.] *appointment by the board of county commissioners of Elko County. The member appointed by the board of county commissioners to fill a vacancy in a position created pursuant to paragraph (c) or (d) must not be a member of the board of county commissioners but must meet the residency requirements for the vacant position.*

*5.* If a member *elected pursuant to paragraph (c) or (d) of subsection 1 or appointed to fill a vacancy in a position created pursuant to one of those paragraphs* ceases to reside in the area [he was appointed to represent,] *specified in the paragraph under which he was elected or appointed,* he is automatically disqualified from serving on the Board. A disqualified member's position must be filled by the prompt appointment of a successor [by:

(a) The board which originally appointed the member removed, if he was appointed under paragraph (a) or (b) of subsection 1;

(b) Those members appointed under paragraphs (a) and (b), if the member removed was appointed under paragraph (c) of subsection 1.

7.] *in the manner specified in subsection 4.*

*6.* The term of a person appointed to fill a vacancy is the unexpired term of the member he replaces.

*7. A general authority election must be held in conjunction with the general election in 1992 and with such elections every 2 years thereafter. The three members of the Board described in paragraphs (c) and (d) of subsection 1 must be elected at the general authority election in 1992. The offices created pursuant to those paragraphs are nonpartisan. Each candidate for one of these offices must file an affidavit of candidacy with the county clerk not earlier than January 1 preceding the election and not later than 5 p.m. on the third Friday in August of the year of the election. The terms of office of the members described in paragraphs (c) and (d) of subsection 1 are 4 years, except that, the initial term of office of one of the members described in paragraph (c) of subsection 1 is 2 years. The county clerk shall designate the seat which will have an initial term of 2 years before any candidate files an affidavit of candidacy for the election.*".

Amend sec. 3, page 3, by deleting lines 44 through 47 and inserting:

"Sec. 3. 1. The terms of the members of the Board of Governors of the Elko Convention and Visitors Authority who are serving on July 1, 1991, expire on that date.

2. As soon as practicable after July 1, 1991:".

Amend sec. 3, page 4, line 9, by deleting "1991." and inserting "1992.".

Amend sec. 4, page 4, by deleting line 10 and inserting:

"Sec. 4. This act becomes effective on July 1, 1991.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Assemblyman McGaughey moved that Assembly Bill No. 312 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 459.

Bill read second time.

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

Amendment No. 470.

Amend sec. 2, page 1, by deleting lines 8 through 13 and inserting:

"271.208 "Special benefit" means the increase in the market value of a tract that is directly attributable to a project for which an assessment is made as determined by the local government that made the assessment. *The term may include incidental costs of the project as determined by the local government.*".

Amend sec. 3, page 2, by deleting lines 6 through 16.

Amend sec. 3, page 2, line 17, by deleting "*3.*" and inserting "2.".

Amend sec. 3, page 2, line 22, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 3, page 2, line 23, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 3, page 2, lines 29 and 30, by deleting: "[5. In case] *6. If*" and inserting: "5. [In case] *If*".

Amend sec. 3, page 2, lines 37 and 38, by deleting: "[6. In case] *7. If*" and inserting: "6. [In case] *If*".

Amend sec. 3, page 2, lines 41 and 42, by deleting: "[7. It shall not be] *8. It is*" and inserting: "7. It [shall not be] *is*".

Amend the title of the bill, third line, by deleting "specifying certain" and inserting "expanding the".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 397.

Amend sec. 11, page 2, line 17, by deleting: "*is a cheat*" and inserting: "*commits an offense*".

Amend sec. 13, page 3, by deleting lines 11 through 13 and inserting: "*value transferred is:*

*(a) A refund or discount made in the ordinary course of business;*

*(b) Reflected by the books and records of the person transferring or receiving it; and*

*(c) Reflected in the billings submitted to the plan.*".

Amend sec. 14, page 3, by deleting lines 25 through 34 and inserting:

"Sec. 14. *1. A person is guilty of a gross misdemeanor if, upon submitting a claim for or upon receiving payment for goods or services pursuant to the plan, he intentionally fails to maintain such records as are necessary to disclose fully the nature of the goods or services for which a claim was submitted or payment was received, or such records as are necessary to disclose fully all income and expenditures upon which rates of payment were based, for at least 5 years after the date on which payment was received.*

*2. A person who intentionally destroys such records within 5 years after the date payment was received shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both a fine and imprisonment.*".

Amend sec. 15, page 4, line 6, after "*penalty*" by inserting: "*or repayment of money*".

Amend sec. 16, page 4, by deleting line 10 and inserting:

"*(a) Promptly comply with a request from the unit for access to and free copies of any records or other information*".

Amend sec. 16, page 4, line 24, by deleting "*25*" and inserting "*24*".

Amend sec. 24, page 7, line 14, by deleting the period and inserting: "*and any fraud in the administration of the plan or in the provision of medical assistance. The provisions of this section notwithstanding, the welfare division of the department of human resources shall enforce the plan and any administrative regulations adopted pursuant thereto.*".

Amend sec. 24, page 7, by deleting lines 22 through 27 and inserting:

"*(b) Shall review reports of abuse or neglect of patients in medical facilities which receive payments under the plan and, when appropriate, investigate and prosecute the persons responsible;*

*(c) May review and investigate reports of misappropriation of money from the personal resources of patients in medical facilities which receive payments under the plan and, when appropriate, prosecute the persons responsible;*".

Amend sec. 24, page 7, line 33, by deleting "*recipients*" and inserting "*patients*".

Amend sec. 24, page 7, line 35, by deleting: "*section 25 of this act,*" and inserting "*this section,*".

Amend sec. 24, page 7, by deleting lines 40 through 43 and inserting:

"*(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.*

*(b) "Plan" means the state plan for the medically indigent established pursuant to NRS 422.234.*".

Amend sec. 26, page 8, by deleting line 34 and inserting: "paragraphs (a) and [(b)] *(c)* of this subsection who requests it and".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 522.

Bill read second time.

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

Amendment No. 469.

Amend section 1, page 1, line 6, by deleting "*and*".

Amend section 1, page 1, line 8, by deleting the italicized period and inserting "*; and*".

Amend section 1, page 1, between lines 8 and 9 by inserting:

"*(c) Regulation of the removal of a tank from a customer's premises and the maximum time allowable between the request and the removal. The board may consider the presence of fences or other physical impediments to the removal of the tank in determining reasonable exceptions to the time allowed for removal.*".

Amend section 1, page 2, by deleting lines 14 through 16 and inserting: "*customers.*

*The provisions of this paragraph do not impose a duty upon the board to provide financial assistance to any person.*

*(b)* Provide for [members of the board to act, individually or collectively, as hearing officers to mediate] *the hearing and mediation of* complaints filed by persons who use liquefied".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 524.

Bill read second time.

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

Amendment No. 484.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"(c) [One member who is] *Two members who are or who have been* engaged in the sale or distribution of liquefied petroleum gas in this state. *Each member appointed pursuant to this paragraph may be appointed from a separate list of three*".

Amend sec. 3, pages 2 and 3, by deleting lines 37 through 48 on page 2 and lines 1 through 29 on page 3, and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 6, page 4, by deleting lines 20 through 23 and inserting: "act, as soon as is practicable.".

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

"Sec. 7. This act becomes effective on July 1, 1991.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 542.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 40.

Bill read second time.

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

Amendment No. 375.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 704.845 is hereby amended to read as follows:

704.845 "Local government" means any county, municipality, district, agency or other unit of local government [.] *in Nevada.*".

Amend the bill as a whole by adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 704.865 is hereby amended to read as follows:

704.865 1. A person , *other than a local government,* shall not commence to construct a utility facility in the state without first having obtained a permit therefor from the commission. The replacement of an existing facility with a like facility, as determined by the commission, does not constitute construction of a utility facility. Any facility, with respect to which a permit is required, must thereafter be constructed, operated and maintained in conformity with the permit and any terms, conditions and modifications contained therein. A permit may only be issued pursuant to NRS 704.820 to 704.900, inclusive. Any authorization relating to a utility facility granted under other laws administered by the commission constitutes a permit under those sections if the requirements of those sections have been complied with in the proceedings leading to the granting of the authorization.

2. A permit may be transferred, subject to the approval of the commission, to a person who agrees to comply with the terms, conditions and modifications contained therein.

3. NRS 704.820 to 704.900, inclusive, do not apply to any utility facility:

(a) For which, before July 1, 1971, an application for the approval of the facility has been made to any federal, state, regional or local governmental agency which possesses the jurisdiction to consider the matters prescribed for finding and determination in NRS 704.890;

(b) For which, before July 1, 1971, a governmental agency has approved the construction of the facility and the person has incurred indebtedness to finance all or part of the cost of the construction; or

(c) Over which an agency of the Federal Government has exclusive jurisdiction.

4. Any person intending to construct a utility facility excluded from NRS 704.820 to 704.900, inclusive, pursuant to paragraph (a) or (b) of subsection 3 may elect to waive the exclusion by delivering notice of its waiver to the commission. NRS 704.820 to 704.900, inclusive, thereafter apply to each utility facility identified in the notice from the date of its receipt by the commission.".

Amend the title of the bill to read as follows:

"An Act relating to utility facilities; including water treatment facilities within the scope of environmental regulation as a utility facility; authorizing local governments in Nevada to commence to construct a utility facility without a permit from the public service commission of Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding regulation of utility facilities. (BDR 58-574)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 253.

Bill read second time and ordered to third reading.

Assembly Bill No. 246.

Bill read second time.

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

Amendment No. 200.

Amend section 1, page 1, by deleting lines 2 through 25 and inserting:

"277.050 1. As used in this section, "public agency" includes the United States or a department or agency [thereof, the State of Nevada or a department or agency thereof,] *of the Federal Government,* a county, [Carson City,] a public corporation and a public district.

2. Without a vote of the electors of a public agency first being had, the governing body *of the agency* may:

(a) Sell or exchange to another public agency [any unused real property belonging to it, which, at the time of delivery of title or possession, is no longer required for public use by the selling or exchanging public agency.] , *or to the State of Nevada or a department or agency of the state; or*

(b) Lease to another public agency, *or to the State of Nevada or a department or agency of the state,* for a term not exceeding 99 years, any [unused] real property belonging to it . [, which, at the time of delivery of possession, is no longer required for public use by the lessor public agency.]

3. A sale or exchange may be:

(a) Negotiated without advertising for public bids.

(b) Made for cash or property, or for part cash and property, or for part cash and terms of deferred payments secured by mortgage or deed of trust, but the purchasing public agency *or entity* or exchanging public agencies *or entities* shall, except as *otherwise* provided in NRS 277.053, pay or convey property worth an''.

Amend sec. 2, page 2, by deleting lines 33 through 41 and inserting:

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

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

''An Act relating to cooperative agreements; removing certain obsolete provisions relating to the sale, lease or exchange of land by the State of Nevada; removing''.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:48 a.m.

## ASSEMBLY IN SESSION

At 12:00 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and return to the Concurrent Committee on Judiciary.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 278 be placed on the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 41.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 61—Directing the board of county commissioners of Washoe County and the city councils of Reno and Sparks to conduct and to report to the legislature the results of a study of fiscal equity among Washoe County, the City of Reno and the City of Sparks in providing public services in the Truckee Meadows region and requiring those governmental entities to carry out the recommendations of the study.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 62—Directing the governing bodies of Washoe County and the cities of Reno and Sparks to conduct and report to the legislature on a coordinated study of the quantity and quality of the water supply in the region and directs those governing bodies and the governing board for regional planning to take certain actions to carry out the recommendations of the study.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 41.

Assemblyman Spriggs moved the adoption of the resolution.

Remarks by Assemblyman Spriggs.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 647—An Act relating to planning; requiring certain plans and projects to comply with a comprehensive regional plan; requiring certain local governments to review projects of regional significance; authorizing certain cities to take actions relating to planning in its sphere of influence; requiring the governing body of certain cities to adopt a program of annexation; authorizing certain counties and cities to adopt jointly a master plan; authorizing the regional planning governing board to adopt regulations and collect certain fees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 648—An Act relating to the use of water in Washoe County; providing that the board of county commissioners of Washoe County are ex officio members of the Regional Water Planning and Advisory Board of Washoe County; providing limitations on the expenditure of the tax collected by the board; making various changes relating to the duties and powers of the board; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 171.

Amend sec. 2, page 1, between lines 12 and 13, by inserting:

"*4. A judge assigned to the family court pursuant to subsection 2 or 3 for a period of 90 or more days must attend the instruction required pursuant to section 5 of this act. Judges must not be assigned to the family court pursuant to subsections 2 and 3 on a rotating basis.*".

Amend sec. 3, page 1, line 16, by deleting "*130*" and inserting "*130, 159*".

Amend sec. 3, page 2, by deleting lines 1 and 2 and inserting:

"*3. Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.*".

Amend sec. 3, page 2, between lines 9 and 10, by inserting:

"*11. To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.*".

Amend sec. 4, page 2, by deleting lines 10 through 17 and inserting:

"Sec. 4. *1. The family court shall, wherever practicable and appropriate, encourage the resolution of disputes before the court through nonadversarial methods or other alternatives to traditional methods of resolution of disputes.*

*2. The family court or, in a judicial district that does not include a family court, the district court, shall enter into agreements or otherwise cooperate with local agencies that provide services related to matters within the jurisdiction of family courts to assist the family court or district court in providing the necessary support services to the families before the court.*".

Amend sec. 5, page 2, by deleting line 20 and inserting: "*judicial district that does not include a county whose population is 100,000 or more, and each district judge in every other judicial district who is first*".

Amend sec. 6, page 2, line 34, by deleting "*12*" and inserting "*11*".

Amend sec. 6, page 2, line 35, by deleting "2" and inserting "*1*".

Amend sec. 7, page 2, line 37, by deleting "*24*" and inserting "*23*".

Amend sec. 7, page 2, line 38, by deleting "*8*" and inserting "*7*".

Amend the bill as a whole by adding thereto a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 125.005 is hereby amended to read as follows:

125.005 1. In any action for divorce, annulment or separate maintenance, or any proceeding in which the support for or custody and visitation of a minor child is an issue, the district judge may appoint any person qualified by previous experience, training and demonstrated interest in domestic relations as referee.

2. Subject to the specifications and limitations stated in the order of appointment, the referee shall hear all disputed factual issues and make written findings of fact and recommendations to the district judge.

3. The proceedings before the referee must be conducted in the same manner as in the district court. The referee may rule upon the admissibility of evidence unless otherwise directed by the court. He may call the parties to the action and other witnesses and may examine them under oath.

4. The report of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the report, either party may file and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact unless clearly erroneous, and judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter and enter such order, judgment or decree as is just, equitable and appropriate.

5. The compensation of a referee appointed pursuant to this section must not be taxed against the parties but must be fixed by the judge to be paid from appropriations made by the board of county commissioners for the expenses of the district court.

*6. The provisions of this section apply only in judicial districts that do not include a county whose population is 400,000 or more.*".

Amend sec. 17, page 8, by deleting lines 6 through 25 and inserting:

"Sec. 17. (Deleted by amendment.)".

Amend sec. 30, page 13, by deleting line 23 and inserting: "retarded person of this state for services in a facility".

Amend sec. 30, page 13, line 48, by deleting "(d)" and inserting "(e)".

Amend sec. 33, page 14, line 34, by deleting "6, 1997." and inserting "4, 1999.".

Amend the bill as a whole by renumbering sec. 34 as sec. 35 and adding a new section designated sec. 34, following sec. 33, to read as follows:

"Sec. 34. 1. The National Council of Juvenile and Family Court Judges shall conduct a study to determine the appropriate workload levels for the family courts. The Council shall conduct the study in cooperation with the staff of the legislative counsel bureau and report the results of the study to the 67th session of the legislature.

2. The Council shall conduct an operational study of the family courts for the period from January 1, 1992, through December 31, 1994, and report the results of the study to the 68th session of the legislature.".

Amend sec. 34, page 14, line 35, by deleting: "4 and 24" and inserting: "24 and 34".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 278 be returned to the Concurrent Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Judiciary.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 137:

YEAS—42.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblymen Callister, Bergevin, Carpenter and Goetting.

Assemblymen Evans, Wendell Williams and Garner moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 359.

Roll call on Assembly Bill No. 359:

YEAS—39.

NAYS—Carpenter, Little, Stout—3.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 450.
Bill read third time.
Remarks by Assemblymen Norton and Lambert.
Roll call on Assembly Bill No. 450:
YEAS—41.
NAYS—None.
Not voting—Carpenter.

Assembly Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 451.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 451:
YEAS—40.
NAYS—None.
Not voting—Callister, Carpenter—2.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 453.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 453:
YEAS—37.
NAYS—Elliott, Spriggs, Mr. Speaker—3.
Not voting—Callister, Carpenter—2.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 460.
Bill read third time.
The following amendment was proposed by Assemblyman Scherer:
Amendment No. 514.
Amend the bill as a whole by deleting sections 1 through 34 and the text of the repealed section and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:
"Section 1. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:
*1. In addition to the fee established pursuant to NRS 118B.185, the owner of a mobile home park shall pay to the division an annual fee of $12 for each lot within that park, plus an amount calculated monthly which is equal to $0.50 per month per lot within that park occupied during the month. The owner shall collect the monthly charge per occupied lot from the*

*tenants of the respective lots. The owner shall not impose a fee or surcharge to recover from his tenants the costs resulting from the annual fee per lot paid pursuant to this subsection, or any related penalty.*

*2. Except as otherwise provided in this subsection, the administrator shall notify the owner of each mobile home park in the state on or before July 1 of each year of the fee imposed pursuant to this section. If on May 15 of that year the balance in the trust fund for low-income housing which is attributable to deposits pursuant to this section exceeds $2,000,000, the administrator shall not charge or collect a fee pursuant to this section. He shall resume the collection in any year when the balance on May 15 is less than $1,000,000. The administrator shall request the state treasurer to inform him of the applicable balance of the fund on May 15 of each year.*

*3. If an owner fails to pay the fee within 30 days after receiving written notice from the administrator to do so, a penalty of 50 percent of the amount of the fee must be added.*

*4. All fees and penalties collected by the division pursuant to this section must be deposited in the state treasury for credit to the trust fund for low-income housing created pursuant to NRS 319.500.*

Sec. 2. NRS 319.500 is hereby amended to read as follows:

319.500 1. There is hereby created in the state treasury the trust fund for low-income housing, to be administered by the division. All money that is collected for the use of the fund from any source, including pursuant to a specific statute, tax, legislative appropriation, gift or grant, or from interest earned on specified public or private accounts, must be deposited in the fund. *The money deposited in the fund pursuant to section 1 of this act and any interest and income earned on that money must be accounted for separately.*

2. The money in the fund must be invested as provided in chapters 355 and 356 of NRS. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.

Sec. 3. NRS 319.510 is hereby amended to read as follows:

319.510 1. [Money] *Except as otherwise provided in subsection 4, money* deposited in the trust fund for low-income housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the division for the costs of administering the fund; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing.

2. The division shall not use more than $40,000 per year of the amount annually allocated from the fund as reimbursement for the cost of administering the fund. Of the remaining money allocated from the fund [:] *from sources other than section 1 of this act:*

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the welfare division of the department of human resources for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The welfare division shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the welfare division pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) All money must be used to benefit families whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The division may, pursuant to contract and in lieu of distributing money to the welfare division pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

*4. The money deposited in the fund pursuant to section 1 of this act, must be used only to pay necessary administrative costs pursuant to subsection 2, to assist eligible persons in relocating their mobile homes, if necessary, and to supplement their monthly rent for the mobile home lot on which their mobile home is located. To be eligible for assistance from the fund pursuant to this subsection a person must:*

*(a) Reside in a mobile home lot in this state in a mobile home he owns; and*

*(b) Have a monthly income of less than $750.*

*5. The division shall administer the provisions of subsection 4. The division may adopt regulations necessary to carry out the provisions of this subsection and subsection 4, and may request the assistance of the welfare division of the department of human resources in distributing the money to eligible persons. The maximum amount which may be distributed to a person to supplement his monthly rent pursuant to subsection 4 is an amount equal to the difference between $150 and the amount of rent charged for the lot, but in no case may the supplement exceed the average monthly rent charged per mobile home lot in the county in which the mobile home is located.*

Sec. 4. NRS 319.520 is hereby amended to read as follows:

319.520 *Except as otherwise provided in NRS 319.500 and 319.510 for the distribution of money deposited in the trust fund for low-income housing pursuant to section 1 of this act:*

1. The administrator shall consult with representatives of housing authorities, organizations of persons with low income, providers of housing, financial institutions and other persons interested in the provision of low-income housing, and adopt regulations establishing:

(a) Criteria for the distribution and use of money from the trust fund for low-income housing; and

(b) Procedures for the division and the local governments that receive money pursuant to NRS 319.510 to monitor the use of money from the fund and to enforce the provisions of this section and NRS 319.500 and 319.510. The regulations must be designed to maximize the efficient use of money in the fund, and to promote the participation and assistance of local governments.

2. A recipient of money from the fund shall comply with the regulations of the administrator and provide such reports to the division and the local governments that receive money pursuant to NRS 319.510 upon the use of the money as the administrator requires.

Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to mobile home parks; imposing certain fees on the tenants and owners; providing for the use of the proceeds to assist eligible persons in relocating their mobile homes and to subsidize the rent paid for a mobile home lot by certain eligible persons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides financial assistance to certain eligible persons living in mobile home parks. (BDR 10-1464)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Petrak, Haller, Porter, Kerns, Myrna Williams, Pettyjohn and Arberry.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. To you and through you to my colleagues in this honorable body, if you look down at your copy of Assembly Bill 460, you will see that I originally signed on for this bill, and I did so because I sympathized with those that my distinguished colleague from District 18 is trying to help. But, after hearing testimony and studying the bill, I am convinced that this bill will do more harm than good. A.B. 460 is a rent control bill. The proponents of the bill like to call it a rent-justification bill, but, in fact, it gives a governmental agency the authority to control rents, and that is the essence of a rent control bill. Rent control has failed miserably everywhere it has been tried. It leads to deterioration of facilities because there is no incentive to maintain the facilities and put money into repairs of the facilities; it leads to financing for new facilities drying up because there is no ability to have a stable investment; and in a growing community, and this state is clearly a growing state, it leads to a scarcity of rental units and actually harms those people that this bill is intended to help. What's worse, in the vast majority of cases, this bill will not even result in a reduction in rents.

MR. SPEAKER:

Mr. Scherer, will you speak to the amendment, please. We are not discussing the bill, we are discussing the amendment.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I do not feel I can adequately discuss the amendment without discussing the reasons. This amendment replaces the entire bill. It would create a fund which I think will help the people that it is designed to help. It will create a fund that is primarily paid for by mobile home park owners. It will be placed in the low-income housing trust fund in a separate account and administered through that fund. It will assist those people who need assistance paying their rent, who are on a fixed income or low-income people. It will provide subsidies for them. It will also assist those people who cannot move, and much of the testimony in committee was that one of the main differences with mobile home parks was the inability to move from a park because of the high cost of moving a mobile home. This will assist those people who need help moving their mobile home. I think this fund will generate nearly $500,000 a year for these purposes, and this amendment will actually help these people that the bill is designed to help, more so than the current text of the bill will. Thank you, Mr. Speaker.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in opposition to the amendment, I would like to say that my own feeling about this as representing the people in my district in southern Nevada, this amendment is an insult to the intelligence and the pride of every mobile home owner. It is asking the mobile home owner to beg for help. The mobile home owner is not a charity case. The mobile home owner is a man or woman with pride. They seek a good mode of living because of the advantages of living in a mobile home, such as the upkeep of the interior home. It is good for the young people to live in mobile home parks because they can raise their children in a right way. Without question, this is a real insult to the intelligence of any mobile home owner in our great State of Nevada. I certainly encourage you—don't do that to us. I ask my colleagues to vote against this amendment.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in opposition to the amendment on only one basis. It is kind of shameful because it calls for those with a monthly income of less than $750—that is a lot lower than anything we have ever considered. These people are eating dog food if they're down there.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 514. I speak to echo some of the comments of my distinguished colleague, Mr. Petrak. I don't think the amendment is so much of an insult, but it is somewhat sexy. It's a sexy amendment because it's the same old song. It creates the same old problem. What this amendment does is add a second layer to an already burdened welfare system. It will require applications, paperwork, monthly renewals, continual monitoring on a monthly, semi-annual and annual basis for the individuals who will seek to dip into this fund. Mr. Speaker, the amendment also balances the fund on the backs of the individuals that it is intended to help. The bill assesses a $6 per year, per lot fee on the residents to subsidize the other residents who cannot meet their obligations for one reason or another. Mr. Speaker, this amendment is the result of an offer made to your Commerce Committee by the mobile home park owners. During testimony, that offer was $1 per space. This amendment has now been cut to $0.50. I ask the question, how much more will it be cut if this amendment is adopted and sent to the Senate. I urge my colleagues to defeat it. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. Just in response to my distinguished colleague's remark that this is an insult to these people to ask them to come and ask for assistance. It is by no means intended as an insult. We had a large number of people turn out in Las Vegas who came to ask for our help. This amendment is designed to offer them that help. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I rise in support of this amendment, and I would like to have Order of Business 15, please.

We have a lot of freshmen in this chamber this year. I've been here—this is my fifth term—served on Government Affairs for four terms, and I have dealt with this problem for four terms. We have had some type of a thing at one time or another called rent control. This is probably the goofiest thing I have ever seen to be called rent control. It's nothing but a guaranteed rent increase bill. If you've read the bill, there is no other way you can read it. This bill is going to guarantee a rent increase every year. And on top of the CPI increase, if they've done any improvement to the park, the commission can very possibly increase it more than CPI. My colleague from the south said that this is going to form a bureaucracy, a lot of money would be used in this. I don't know if you read the bill very closely to see what that commission is going to form or not, but it is going to make the bureaucracy that the amendment would form look like peanuts. Most of the testimony we had in the last five terms has been because of these poor people that only make $400 a month or $500 a month or $600 a month. Their rent's increased and they can't move out of that park. This amendment will be directed to the people that for years we've been told need help. The so-called rent control bill will do nothing for those people except raise their rent. We're going to have parks that haven't raised their rent in years raising their rent every year. And if you are voting against this amendment and for this bill to help with the next election, heaven help you because those people are going to get two rent increases that they wouldn't have gotten otherwise. They're going to blame the legislators because that's who did it, that's who set that bill up for them to raise that rent every year equal to the CPI.

I don't have a park, but I've got some rentals. I've had them for about ten years. I've raised the rent once, but I can guarantee you if there had been a law pertaining to my apartments like there is pertaining to this law for mobile homes, I'd be raising the rent every year because I'd have somebody to blame it on.

So I'd like to have you take a good look at the bill, take a good look at the amendment. Most times when we pass things here to help people, we help the whole class. We end up

helping a lot of people that definitely don't need help. I probably could be considered a senior citizen, and there is probably nothing more disgusting than to see some organization, a store or something that wants to help senior citizens that need help, but so many times when you go down there to see where this is taking place, and if you know the people standing in line to get their 10 percent discount, the ones in the front of the line are probably the ones that need it the least. I think we have a chance here to pass some legislation that is going to help those people that need help and not help the greedy and the people these types of things were never intended to help.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to the amendment. To my colleague from the north, I need to tell you that I certainly won't get any votes; I don't have mobile home owners—or almost none—in my district. However, I have, as you have, listened for eight years, eight years. This amendment is an eleventh-hour offering. I think if it was serious, if it was something that would work, it would have come into the interim study. I think it is important for us to move ahead, to give some relief to these people, and I, too, have sat on Commerce for eight years and listened for eight years and heard all kinds of promises and possibilities. I have to agree with my colleague from southern Nevada who got up and talked about insult, and I am sure no intentional insult was intended. However, to take people on fixed incomes and tell them that they must go in every month, every year, produce all their papers, prove that they're not making it—they're starving, that they have to rely on the largesse of somebody else, and that somebody else will be their next-door neighbors, I think is an unfair thing to ask. So, I urge you to vote against this amendment.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in support of this amendment, and I would just like to make the observation that we've heard some of the descriptions of insults and also the whole concept of people being required to certify their needs. I would like to call the attention of this body to the fact that we have a tremendous welfare system in this state and this country today that does just that and has done it for years and years and years. People stand in line to receive money, to receive help, to receive aid in many categories, and I believe that this particular amendment is, in fact, a genuine solution to help solve the problem that this category of people have in this state today. The fact that it came in late may, in fact, be a factor in support of the amendment in itself, that it was an effort to try and fix the flaws in the inequities of the existing bill. I don't think we could characterize this as being something that is demeaning or degrading to those people. It, in fact, is the opposite. It is an effort to help those people. It's a recognition of the kinds of actions that need to be taken to alleviate some of the problems we have not only in living and paying the rent, but those who have to move and can't move, this is an effort to help them move. I think the amendment will satisfy those requirements. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I would like to direct this to the amendment and to my colleague from the south that said this was the eleventh-hour amendment. I might point out to her that this probably wasn't brought up in the interim committee meeting, during the interim, because of the guarantee that if they could have A.B. 550, A.B. 551, A.B. 553, they wouldn't ask for a rent control bill this time. So just what is the eleventh hour? Do you go ahead and allow this without fighting it? I don't think so. I don't think this is the eleventh hour, I think it is merely a reaction to a broken promise. Thank you.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in opposition to this amendment. One of my basic reasons is that two years ago I chaired the subcommittee dealing with low-income housing and out of that subcommittee came the trust fund for low-income housing. Now I see here that two years ago, we could not even get any money for low-income housing. We tried, all the parties involved met on a regular basis trying to get money, money for low-income housing or an avenue for low-income housing. Now all of a sudden a group of people's feet are to the fire. I feel right now, all of a sudden, there is money available to be placed into low-income housing when there wasn't an avenue before. So, at this point in time, Mr. Speaker, I rise in opposition and I feel that this amendment is not warranted at all.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues again, just a note here that I have in my hand that reads like this from Gladyce Pointed, who lives in a mobile home in southern Nevada. She says to me, and we all read it in the newspaper and saw on the front page of our papers, it says, "Enclosing an article in our paper showing just what is happening to older people in mobile homes who are just trying to live out their last years and we have no control. It is getting worse. I, myself, would have never thought I would be speaking to legislators to try to get help for all of us, but I did, and I am not sorry. I didn't do this for any association except for the renters and the old people like myself." Then she says, and you should remember what she is saying here, "This is like begging which I've never done but we really do need some help in living out our last years." Then she says, "I wrote to Mr. Norton also and sent him the article. Would you please be kind enough to read it to the legislature." She says, "Thank you." What are we thinking about? What are we doing? For the second time I ask you to vote no on this amendment. Thank you.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I would address the last remark by saying this to my good friend there. This amendment does just what this dear lady is begging for. In the future, when the mobile home owners and the park owners raise those rents as they will be allowed to do by the provisions of the bill, and she gets two rents and maybe one rent increase in one year, then she is going to be coming back to you and say, "You didn't help me. I thought you were going to help me but you didn't help me. What you did is you set me up for two more raises per year." Thank you.

Assemblymen Arberry, Giunchigliani and Myrna Williams moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 514 to Assembly Bill No. 460.

Amendment lost on a division of the house.

Remarks by Assemblymen Petrak, Spriggs, Hardy, Stout, Sader, Scherer, Wendell Williams, Humke, Anderson, Bayley and Porter.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETRAK:

I rise in support of A.B. 460, Mr. Speaker. To my colleagues in the Assembly, A.B. 460 creates a commission of mobile home parks consisting of seven members appointed by the Governor. The commission is authorized to enforce the provisions on mobile home parks, landlord/tenant law, provides an annual licensing of mobile home parks, and reviews forms for rental agreements. Employees of the Division of Manufactured Housing are to serve as staff for the commission. The bill also provides for the formation of an elected committee of three to five residents of each mobile home park. Order of Business 15, Mr. Speaker.

To my colleagues, once again. I'd like to say to you that I, in dealing with this particular situation, would like to make a couple of initial comments. In these hallowed halls here in Carson City, since January I've met many fine people. I owe an apology to all of you here. The apology is for the last three, four, five weeks you have been harassed. You've been badgered. You've been written to. You've been called on the telephone. You've been taken into the corner and arm-twisted to a point where it hurts. I apologize for what has happened to you and to me in the last four or five weeks. That's my apology to you. I think that some place in this big good book that we look at over here against the wall it says to all of us as we think about coming to Carson City, and in these hallowed halls of ours, it says, "Give an account of thy stewardship for thou canst be sure no longer." That means to me what are we doing for the people who we represent and who we promised in the last year and one half that we would try to help. The reason I am here is because I promised some people throughout southern Nevada whom I dealt with as I

walked door to door something would be done to help them. They have a voice crying out of the wilderness and we should help them; I say to you people in my district, down home, businessmen, professional people. A lot of the mobile home owners said to me, "When you go up there, it'll be just like it has always been. You'll be a changed person. They'll change you up there, so that you won't exactly know what in the world is going on and who you're taking care of. We're sending you up there to take care of us," and I say to you this is exactly what we're trying to do with this mobile home bill. Also, I gave each of you a copy of this particular newspaper item and it shows, if you didn't read it, there's two mobile home parks, just for openers, in southern Nevada, in Las Vegas, five minutes from where I live and two minutes from where Mr. Bayley lives, that in the first year they operated in 1987, it reported in these two mobile home parks with 791 lot vacancies, they generated a net profit, after the costs of operation, of $1.3 million. They also gouged the poor mobile home owner to the extent of $139 a month per space each month. Getting back to the feeling that something has to be done, the profit in these two particular parks owned by an out-of-state corporation generated 64 percent profit on the amount of money they took in that particular year, and that is a sin. I would like to read to you another copy of the letter that I handed out to you from a Mrs. Lindburg, and this is exactly what's happening. She said, "I feel that we have something truly to complain about concerning mobile home parks. We purchased a triple-wide mobile home on Mohave Road," it gives the address, "with rent of $234 with free RV parking. In 1987, the rent went to $240 with free RV parking. On January 8, 1988, the rent went to $264, a $24 raise. On April 1, 1988, the rent went to $280 plus $15 for the RV parking. This is two raises in four months. On March 1, 1989, we got a $31 raise which brought the rent to $320 plus the $15 for RV parking which brings an $80 raise in one year. March 1, 1990, the rent was raised to $332.46 plus $15 for RV parking. On March 1, 1991, the rent was raised to $350 plus $15 for RV parking, if we signed a ten year lease, otherwise it would have been $362 plus RV parking." She said, "Please try to do something about the problem. Our social security and cost of living hasn't raised that much. A person can't sell the property because no one wants to buy it and pay that kind of rent. Our motor home has been broken into three times, so we have no security. Yours truly," and that's from Mrs. Lindburg in the Heritage Mobile Home park. I would like to say to you that you can read, you can understand, and we've got to remember the feelings of the people that you and I were sent up here to represent, and we should do something about it. What I'm doing to you, I am asking you to vote for A.B. 460 to help those tens of thousands of people in our state.

Getting back, Mr. Speaker, to the bill. It says landlords must apply to the commission to change the rules of a mobile home park. The commission must submit the proposed changes to the residents' committee for the park for their consideration and must review the proposed rules to determine if they conform with the provisions of the landlord/tenant law. In the final paragraph it says proponents of this bill contend that it is needed to curb excessive rent increases in mobile home parks and to ensure compliance with the provisions of the landlord/tenant law. I ask my colleagues here to please support A.B. 460. Thank you, Mr. Speaker.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I rise in opposition to the bill as it is written. We had testimony in Commerce, I was there for all of it, and what I heard was that we might have one or two parks in this state that have a problem. All the other parks were under the CPI so their rents are less than they would have been if this bill had been in effect. The main problem I have with the bill as it's before us today, if you'll look at page 6, line 27, "A tenant of a mobile home park which is located in a county whose population is 100,000 or more may refuse to pay excessive rent." That means that those of us who live in a county of under 100,000 can't use it. It only applies to two counties in this state. If you look further in the bill you find that every county in the state is going to pay for the commission. I don't believe the parks in rural Nevada, and we have a lot of them, need to pay for this commission that only applies to Clark and Washoe counties. Now if that isn't the way the bill was intended to be, I'd say that we need to amend it. I don't believe that we need to pass flawed legislation. Thank you, Mr. Speaker.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. In my brief legislative career I've had a lot of interesting questions, and I've had a lot of difficult questions, but none more difficult than this one for me both personally and philosophically. I think there's a question we haven't addressed yet. As legislators we're faced with the difficult task. We must in every action we take preserve the delicate balance between the rights of the individual and the rights of society as a whole. We must be certain that any law we pass doesn't benefit any individual or segment of society to the exclusion of another. And above all, we must be sure that our actions are minimally intrusive on society's right to life, liberty, and the pursuit of happiness. The issue before us today is a particularly difficult one. On the one hand we have a property owner, one who owns a plot of land with all the rights and privileges associated with that ownership. On the other hand we have another property owner, one who owns a home with all the rights and privileges of that ownership. As a legislature, how do we protect the rights of one of those interests without infringing on the rights of another. I would suggest that we must strike a balance between the interests of the two. The best we can hope for is to provide equity in the law so that one party does not benefit at the expense of another. While A.B. 460 is not a perfect piece of legislation, it at least offers some vestige of equity as we at the legislature strive to protect the fundamental democratic right of all individuals to own property and to have the property protected by the law. I intend to support A.B. 460. Thank you.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I rise in opposition to this bill. There's so many reasons why I'm opposed to it, but in the interest of time I'll just mention, I think it's interesting that the makers of this bill refuse to call it a rent control bill, but it is exactly that. It's a right of property bill. I see in this pamphlet that was put out by the maker of the bill that he has a problem with someone making a profit or even an excessive profit. That's what America is all about. If we want to start controlling property, I'll bet there's a lot of people who live in the mobile home parks who own property that would really be put out if someone was to control how much money they could make on the property they own. Well this is what's going to happen to them. Now there's been a lot of discussion already on what's going to happen to the mobile home owner. I believe as has been said, he's going to end up paying a heck of a lot more money than he probably ever would without this bill. I don't think it does anything of what it is intended to do, and I would like to see everyone vote against this bill.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in support of A.B. 460. Opponents of this bill say that it is rent control, and I would agree with them that it is a form of rent control. For years I've been asked why I support rent justification for mobile home parks and never supported rent control in any other context and I never intend to support rent control in any other context. I have several reasons for doing so. The first is, over 60 percent of the people in my district live in mobile homes. Over the years, I've had the opportunity to speak with them on the issues that concern them. Far and away life in a mobile home is a major concern. The majority of them feel that they have lost control of their living situation because of the inordinate amount of money that it costs to move from a mobile home park and the artificial government restrictions that exist on placing new mobile home parks in the community. Now, opponents of this legislation continually argue in a free enterprise system we should not have these sort of government regulations on the ability of a park owner to make a profit. Under normal situations in business enterprises I would agree with that, but in this situation, government regulation has already severely impaired the free enterprise system. We have now a situation in all urban areas where there's a tremendous restriction upon placement of mobile home parks and available land for mobile home parks because many people consider mobile home parks to be inappropriate uses in the vicinity of stick-built homes. The restriction on supply already skews the free enterprise system into one that is artificially encumbered by government regulation. Under those circumstances, I think that it's appropriate to consider further government regulation in an already artificial situation to control rents.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in opposition to the bill. Most of my remarks have already been made by one speaker or another. I do sympathize with the people in the parks, and if I believed this bill would help them I would support it, but I don't. For that reason I can't support it. Thank you.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I rise in support of A.B. 460. It's immoral to suggest to humans, especially senior citizens, that the only way that they can receive fair and just services is that someone keep a financial choke hold on their neck, not knowing if they're going to survive financially from one moment to the next. This body was established to be the voice of the people and the conscience of morality. For those of my colleagues who have a tough decision to decide if they should go with human rights or property rights, I would suggest whenever there is a conflict between human rights and property rights, human rights must always prevail. I stand and urge my colleagues to vote on behalf of the people who placed us here and who gave us their confidence to act, behave and vote on behalf of their livelihoods. I would urge my colleagues to vote in favor of this bill.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I'd like to make a couple of points that I'm not sure have been made so far. First is to attempt to rebut my able colleague from District 32. I think the appropriate forum in the county that we represent, Washoe County, is the County Commission, where the Commission has been hesitant to approve new mobile home spaces or to approve spaces that are not controlled by a seller of new mobile homes. I think there is plenty of blame to be assessed to that body and that they could change their ways and remedy this situation.

Secondly, this argument was touched upon when we did discuss the amendment, but I would like to reiterate because I think it bears repeating, that under this bill the base of the rent that a landlord charges will be increased annually, up to the CPI. A landlord would be a fool not to increase that base for those times when he or she absolutely needs to have a rent increase. This bill will have the opposite effect of the intended effect for, what I believe is to be, the vast majority of mobile home dwellers in Washoe and Clark County.

Finally, I oppose this bill because I think there are viable alternatives. If there were no viable alternatives, I would consider voting for it but it is a clear-cut case of looking at the free enterprise system and saying you're going to turn your back on that system. Again, there are other viable alternatives that would work and that should be tried before a measure such as this is tried. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of this piece of legislation. It was my intention to sit here quietly, although it's against my better nature as you probably know. First of all, to my esteemed colleague from District 18, no apology is necessary to bring us to the responsibility of this chamber. All of us entered here knowing that we would have to face the heat on several issues and this is only one of them. I'm reminded by a quote from Dante who said that the hottest places in Hades were reserved for those who in times of crisis, shrunk from responsibility. This is indeed, a piece of legislation that has been long awaited—six years we have waited, and longer, for the free enterprise system so touted, to carry out its responsibility. It has shrunk from that responsibility. It has not carried out its responsibility and thus, we must shoulder this responsibility. It is why the people sent us here and therefore, I support this.

ASSEMBLYMAN BAYLEY:

Thank you, Mr. Speaker. I didn't intend to speak but I want to speak in opposition to the bill. I have a lot of mobile homes in my district and I do care about those people and I'm glad that there are people here that are motivated and concerned. I am too. But then after we're motivated with our hearts, we have to look at the laws with our heads. If we were looking at something new that no one had tried, maybe there would be a chance, and I'd look at it and say, well, maybe this will work. But we are looking at something that has

failed everywhere it has ever been tried, repeatedly, for years and years. Rent control doesn't work. It has never worked and I don't know why now we think it will be different if we do the same thing. Thank you.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I obviously rise in support of A.B. 460 and I've waited to make this speech for six years. Mr. Speaker, let me start by saying everyone clamors about the rent control and previous ordinances haven't worked. This is not a freeze. This is not a freeze; this is not an abatement. This is a built-in CPI increase to allow for an inflationary rate of return. That, in and of itself, is constitutional as we argued in S.B. 220 before the Ninth Circuit last session.

Mr. Speaker, this bill has been characterized as an attack on American capitalism, that somehow, within this American democracy, we have created a Draconian remedy to a so-called sacred property right. Indeed, Mr. Speaker, in the literature that adorns every desk in these chambers, we are accused of rushing toward European socialism, and somehow clamoring to take a giant step backwards. At the core of this American capitalistic system is a concept of choice. University of California-San Diego Professor Herbert Marcuse in his 1963 book *One Dimensional Man,* said that for millions of Americans, the American Dream had become the greatest means of social control ever devised because for those Americans, they did not possess choice but rather the illusion of choice. They had the option to choose between a Ford and a Chevrolet, or a green one or a blue one, but the decision whether or not to buy a vehicle or take mass transit was made for them. I can think of no better analogy than what the residents and senior citizens of my district face in these mobile home parks. When they get a rent increase, it presupposes they have a choice. The fundamental choice is either pay it or move. When you're on a fixed income and Social Security and it costs you $1,500 to move, it might as well be $15,000. The choice is illusory. Because of that, this bill seeks to find some mechanism to bring equality to the people who have their entire investments on a small piece of land. Mr. Speaker, this bill balances the illusion of choice and attempts to put these people on an equal footing. I would recommend strongly a do pass. Thank you.

Roll call on Assembly Bill No. 460:

YEAS—24.

NAYS—Bayley, Bergevin, Elliott, Gibbons, Gregory, Heller, Humke, Kerns, Lambert, Little, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout—16.

Not voting—Callister, Carpenter—2.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Assembly Bill No. 477:

YEAS—40.

NAYS—None.

Not voting—Callister, Carpenter—2.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblyman Price.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Assembly Bill No. 523:

YEAS—40.

NAYS—None.

Not voting—Gibbons, Pettyjohn—2.

Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 65, 142; Assembly Bill No. 249 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rich Squires and the following students from Wooster High School, Reno: Christine Ballard, Joey Brown, Michael Edgell, Justin Fortner, Laurie Harper, Chris Kozlowiski, Trisha Martin, Stephen McCloskey, Ronald Peterson, Tami Roberts, Rosmarie Schwitters, Dobi Shmucher, Tara Suchy, Diane Vasquez, Alisa Veach, Roland Brooks, Mary Carl, Cory Clarkson, Lina Coca, Chad Cryer, Gregory East, Jason Fleischman, Matthew Hartman, Debra Hendricks, Poppy Hutchens, David Jasper, Paul Johnson, Ray Lawson, Tanya Leland, Josue Lopez, Marah Marlette, Sean Marrujo, Peggy Morrison, Tory Mullen, Holly Olson, Tory Smith, John Sutter and Jerrold Wyatt.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jane Holm, Holly Livinghouse, Kathy Goheen, Michelle Wolfe, Sheri Kern, Mr. Paul Herald, and the following students from the Carson Valley Middle School: Kevin Aronds, Tawny Azelton, Ben Buyten, Ken Cox, Scott Crandall, Kristin Cutler, Chris Gault, Misha Harris, Rachel Hedgecock, Sierra Herald, Lori Kinford, Joe Lamprecht, Ryan Larsen, Nicole McKenzie, Steve Moore, Crystal Rankin, April Robinson, Ginelle Schuster, Willie Sheridan, Lori Soto, Marc Stammer, Charles Untereiner, Sean Herald, Karl Amdal, Mike Balda, Jamie Bartels, Heather Barrett, Cesar Caldera, Scott Coleman, Emily Coston, Fritz Dexter, Ricardo Duarte, Don Enea, Beth Geary, Nacho Gonzales, Dana Hoffman, Mike Holst, Eric Kern, Matt Kronenberg, Krystal Mays, Cari Murphy, Brandy Reichardt, Cleve Schuster, Mike Wengren and Liana Wolfe.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bob Blanz, Michael Dermody, Bob White, Dennis Gallagher, Stan Thomas, Ernie Martinelli, Key Lynn and Pat Coward.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charlie Ivy.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Bonnie Juniel.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dwight Crevelt.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 3, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:18 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 3, 1991

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Callister, who was excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we humbly bow our heads here this morning at the beginning of this legislative day. We wish to express our appreciation for the many blessings that Thou has bestowed upon us. We pray especially, Father, that during these last days of the legislative session that Thou will help us to be patient and considerate of each other to the very end, that we will be able to accomplish all those things that we have come here to do.

We are grateful, Father in Heaven, for the moisture that Thou has sent to this part of Nevada and we pray that it will continue to address the problems of drought that we face throughout the state. We express our appreciation unto Thee for all the blessings that Thou has given us and we ask this prayer humbly in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 388, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 343; Senate Bill No. 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 202, 279; Senate Bills Nos. 35, 196, 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 52, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 45, 125, 126, 173, 376, 383, 394, 399.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 51, 71, 318, 354, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 60.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 443, 453, 455.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Concurrent Resolution No. 63—Directing the Legislative Commission to conduct an interim study of the procedure for the sale of motor vehicles to satisfy a lien for labor, materials and storage.

Assemblyman Spitler moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assembly Concurrent Resolution No. 52.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams and Arberry.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 649—An Act relating to motor carriers; prohibiting the advertising of services relating to packing, loading or moving the goods of another without a certificate of public convenience and necessity or a contract carrier permit issued by the public service commission of Nevada;

prohibiting the publishing, broadcasting and disseminating of such advertisements; providing penalties; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 650—An Act relating to the leasing of passenger cars; requiring the lessee's written informed consent before a short-term lessor of a passenger car may recover for damage to the car by processing a charge on the lessee's credit card or by causing any debit or block to be placed on the card; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Price, Dini, Sader, Johnson, Wong, Gibbons, Marvel, Bergevin, Freeman, Goetting, Lambert, Pettyjohn, Anderson, Humke, Krenzer, Bennett, Petrak, Hardy, Scherer, Bache, McGaughey, Wendell Williams, Elliott, Heller, McGinness, Bayley, Carpenter, Haller, Norton, Stout, Little, Evans, Spriggs, Giunchigliani, Gregory, Arberry, Callister, Spitler, Kerns, Garner, Myrna Williams and Porter:

Assembly Bill No. 651—An Act relating to lobbying; requiring a lobbyist to provide certain additional information in his registration statement and in monthly reports concerning his lobbying activities; authorizing the legislative auditor to perform an audit or investigation to verify compliance with these requirements; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 652—An Act relating to elections; extending the period during which a person may withdraw his candidacy; increasing the maximum number of registered voters for precincts in which a mechanical voting system is used; extending the period for the removal of a voter's affidavit of registration from the registrar of voters' register for failure to vote in a general election; revising the date on which absent ballots must be available to voters; changing the time for canceling an affidavit of registration to vote for failure to vote from 2 years to 4 years; revising the procedure for conducting a challenge of a voter at a polling place; making an appropriation; providing a penalty; making various other changes relating to elections; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 653—An Act relating to elections; changing the time for canceling an affidavit of registration to vote for failure to vote from 2 years to 4 years; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 654—An Act relating to property taxes; delaying the dates for adopting final budgets by local governments, setting tax rates by the Nevada tax commission and the payment of the first installments of property taxes for fiscal year 1991-1992; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 655—An Act relating to artificial persons; revising extensively the law governing corporations for profit and not for profit, and similar associations; providing for limited-liability companies; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 443.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 453.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 455.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 18 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Myrna Williams.

Motion carried unanimously.

Assemblyman Myrna Williams moved that Assembly Joint Resolution No. 18 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 391 be taken from the Chief Clerk's desk and placed on the General File, immediately following Assembly Joint Resolution No. 18.

Remarks by Assemblyman Giunchigliani.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 527.

Amend section 1, page 1, by deleting lines 3 through 15 and inserting:

"*1. It is unlawful for a person, while exercising the powers of a peace officer, to use a choke hold on any other person unless:*

*(a) The agency employing the peace officer authorizes the use of the choke hold by its peace officers in the course of their duties; and*

*(b) The peace officer has been trained in the proper use of the choke hold and is certified for its use by the agency which employs him.*

*2. As used in this section, "choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 528.

Bill read second time.

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

Amendment No. 462.

Amend the bill as a whole by deleting sections 1 through 140 and the leadlines of repealed sections and adding new sections designated sections 1 through 13, following the enacting clause, to read as follows:

"Section 1. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department of industrial relations shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner of insurance is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers pursuant to NRS 616.291 to 616.298, inclusive, 616.337 and 616.338.

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The [state industrial claimants'] attorney *for injured workers* is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

Sec. 2. NRS 616.193 is hereby amended to read as follows:

616.193 1. The insurer must provide access to the files of claims in its offices.

2. A file is available for inspection during regular business hours by the employee or his designated agent, the employer or his designated agent and the administrator or his designated agent.

3. Upon request, the insurer must make copies of anything in the file and may charge a reasonable fee for this service. Copies of materials in the file which are requested by the administrator or his designated agent, or the [state industrial claimants'] attorney *for injured workers* or his designated agent must be provided free of charge.

4. Until a claim is closed the file must be kept in the office nearest to the place where the injury occurred.

5. If a claim has been closed for at least 1 year, the insurer may microphotograph or film any of its records relating to that claim. The microphotographs or films must be placed in convenient and accessible files, and provision must be made for preserving, examining and using the records.

6. Nothing in this section requires the insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 3. NRS 616.2235 is hereby amended to read as follows:

616.2235 1. Except as *otherwise* provided in subsection 2, each self-insured employer and other employer covered under the provisions of NRS 616.255 and 616.256 shall compensate the system, the office of the [state industrial claimants'] attorney *for injured workers* or the hearings division of the department of administration, as appropriate, for all services which the system, the occupational safety and health review board, the [state industrial claimants' attorney,] *attorney for injured workers,* the hearing officers and the appeals officers provide to those employers if the rate is established by a regulation of the system. The cost of any service for which a rate is not established by regulation must be negotiated by the employer and the system, the [state industrial claimants'] attorney *for injured workers* or the division, as appropriate, before the employer is charged for the service.

2. All compensation must be on the basis of actual cost and not on a basis which includes any subsidy for the system, the office of the [state industrial claimants' attorney,] *attorney for injured workers,* the division or other employers.

Sec. 4. NRS 616.226 is hereby amended to read as follows:

616.226 [Hearing officers, appeals] *1. Appeals* officers, the administrator and the manager, in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter may:

[1.] *(a)* Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

[2.] *(b)* Administer oaths.

[3.] *(c)* Certify to official acts.

[4.] *(d)* Call and examine under oath any witness or party to a claim.

[5.] *(e)* Maintain order.

[6.] *(f)* Rule upon all questions arising during the course of a hearing or proceeding.

[7.] *(g)* Permit discovery by deposition or interrogatories.

[8.] *(h)* Initiate and hold conferences for the settlement or simplification of issues.

[9.] *(i)* Dispose of procedural requests or similar matters.

[10.] *(j)* Generally regulate and guide the course of a pending hearing or proceeding.

*2. Hearing officers in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter may:*

*(a) Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.*

*(b) Maintain order.*

*(c) Permit discovery by deposition or interrogatories.*

*(d) Initiate and hold conferences for the settlement or simplification of issues.*

*(e) Dispose of procedural requests or similar matters.*

*(f) Generally regulate and guide the course of a pending hearing or proceeding.*

Sec. 5. NRS 616.253 is hereby amended to read as follows:

616.253 1. The office of [state industrial claimants'] *the* attorney *for injured workers* is hereby created. The governor shall appoint the [state industrial claimants'] attorney *for injured workers* for a term of 4 years.

2. The [state industrial claimants' attorney:] *attorney for injured workers:*

(a) Must be an attorney licensed to practice law in this state.

(b) Is in the unclassified service of the state.

(c) Except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

3. The duties of the [state industrial claimants'] attorney *for injured workers* are limited to those prescribed by NRS 616.2537 and 616.2539.

Sec. 6. NRS 616.2531 is hereby amended to read as follows:

616.2531 1. The [state industrial claimants'] attorney *for injured workers* may employ:

(a) A deputy [state industrial claimants'] attorney *for injured workers* who is in the unclassified service of the state.

(b) Clerical and other necessary staff who are in the classified service of the state.

2. The deputy must be an attorney licensed to practice law in this state and, except as otherwise provided in NRS 7.065, shall not engage in the private practice of law.

Sec. 7. NRS 616.2533 is hereby amended to read as follows:

616.2533 1. The [state industrial claimants'] attorney *for injured workers* shall establish an office in Carson City or Reno, Nevada, and an office in Las Vegas, Nevada.

2. The [state industrial claimants'] attorney *for injured workers* shall prepare and submit a budget for the maintenance and operation of his office in the same manner as other state agencies.

Sec. 8. NRS 616.2535 is hereby amended to read as follows:

616.2535 1. Any claimant may request the appointment of the [state industrial claimants'] attorney *for injured workers* to represent him. The request must be made in writing.

2. The appeals officer or administrator, as the case may be, shall consider each request within a reasonable time and shall make any inquiry as he deems necessary. If he finds that the claimant would be better served by legal representation in the case, he shall appoint the [state industrial claimants'] attorney *for injured workers* to represent the claimant. Once the [state industrial claimants'] attorney *for injured workers* has been appointed to represent a claimant, the [state industrial claimants'] attorney *for injured workers* is authorized to represent the claimant at any level of proceedings if, in the opinion of the [state industrial claimants' attorney,] *attorney for injured workers,* the representation is necessary.

Sec. 9. NRS 616.2537 is hereby amended to read as follows:

616.2537 1. The [state industrial claimants'] attorney *for injured workers* shall, when appointed by an appeals officer or the administrator, represent without charge a claimant before the appeals officer, administrator, district court or supreme court. In addition, the [state industrial claimants'] attorney *for injured workers* may give advice regarding a claimant's rights before a hearing officer and the procedure for enforcing those rights.

2. When representing a claimant, the [state industrial claimants'] attorney *for injured workers* shall:

(a) Advise the claimant and present his case to the appeals officer or administrator; and

(b) Present in the district court or supreme court an appeal from the decision of the appeals officer or administrator if, in the opinion of the [state industrial claimants' attorney,] *attorney for injured workers,* the appeal is merited.

Sec. 10. NRS 616.2539 is hereby amended to read as follows:

616.2539 1. The provisions of NRS 616.253 to 616.2539, inclusive, do not prevent any claimant from engaging private counsel at any time, but the employment of private counsel relieves the [state industrial claimants'] attorney *for injured workers* from further presentation of the claimant's case. Any claimant who uses the services of the [state industrial claimants'] attorney *for injured workers* and who also retains private counsel shall reimburse the department for the reasonable cost of the services of the [state industrial claimants' attorney.] *attorney for injured workers.*

2. The [state industrial claimants'] attorney *for injured workers* shall submit a report to the governor containing a statement of the number of claimants represented, the status of each case and the amount and nature of the expenditures made by his office.

Sec. 11. NRS 616.5412 is hereby amended to read as follows:

616.5412 1. Any person who is subject to the jurisdiction of the hearing officers under this chapter or chapter 617 of NRS may request a hearing before a hearing officer of any matter within his authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A person who is aggrieved by [a decision] *:*

*(a) A determination* of an insurer *, whether or not that determination has been reduced to writing; or*

*(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,*

may appeal from the [decision] *determination or failure to respond* by filing a request for a hearing before a hearing officer. Such a request must be filed within 60 days after the date on which the notice of its [decision] *determination* was mailed by the insurer [.] *or the unanswered written request was mailed to the insurer, as applicable. Except as otherwise provided in subsection 7 of NRS 616.500, the failure of an insurer to respond to a written request shall be deemed by the hearing officer to be a denial of the request.*

3. Failure to file a request for a hearing within the period specified in subsection 2 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the [decision] *determination* and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

*4. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.*

Sec. 12. NRS 616.5416 is hereby amended to read as follows:

616.5416 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request; and

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled.

2. If necessary to resolve a medical question concerning an injured employee's condition, the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical

question concerns the rating of a permanent disability, the hearing officer may refer the employee to a physician or chiropractor designated by the administrator. The insurer shall pay the costs of any medical examination requested by the hearing officer.

3. The hearing officer shall [prepare written findings of facts and] render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

4. The hearing officer shall give notice of his decision to each party by mail. He must include with the notice of his decision the necessary forms for appealing from the decision.

5. The decision of the hearing officer is not stayed if an appeal from that decision is taken unless a stay is granted by the hearing officer or an appeals officer within 30 days after the date on which the decision was rendered.

Sec. 13. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to the "state industrial claimants' attorney" to refer to the "attorney for injured workers" in any section which is not amended by this act or is further amended by another act.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; changing the name of the state industrial claimants' attorney; revising provisions regarding the processing of contested claims by hearing officers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Changes name of state industrial claimants' attorney and revises procedure for contested industrial insurance claims. (BDR 53-1613)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 549.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 555.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 421.

Amend the bill as a whole by renumbering sections 8 through 10 as sections 9 through 11 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 590.850 is hereby amended to read as follows:

590.850 1. Except as otherwise provided in subsection 2, the division shall collect for deposit in the fund an annual fee not to exceed $50, set by the board, for the registration of each storage tank.

2. No fee is to be collected, and no registration is required, with respect to a storage tank used to store heating oil for consumption on the same [residential] premises where the oil is stored, or a storage tank operated by a person not required to pay the fee for petroleum produced in or imported into this state.

3. The operator of a storage tank required to be registered pursuant to this section who fails to register that tank or to pay the annual fee when required shall reimburse the division for any expense incurred by the division in cleaning up a discharge from that storage tank and for any discharge of liability to a third person.".

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblyman Johnson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 656—An Act relating to civil liability; imposing civil liability for the damage of property on a merchant's premises; imposing civil liability against a person convicted of larceny or any other crime involving property damage; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblymen Heller, Anderson, Pettyjohn, Elliott, Price, Gibbons and Petrak.

Assemblyman Spitler requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. It is definitely an honor for me to be able to stand up in support of A.J.R. 18 and also in support of our Vietnam veterans here in Nevada. HR 1147 is better known in Washington, D.C., as the truth bill. It is purely an accountability bill. The purpose for the bill, of course, is accountability. We sit in these chambers and we talk about the accountability of the Governor's budget, we talk about the accountability of campaign reform, but this is the accountability of human lives. The purpose of the truth bill is to lay to rest the doubts, the confusion and the mistruths regarding the status of our POW's.

Since 1975, there have been nearly 11,700 reports collected by the Defense Intelligence Agency and the Department of Defense relating to POW's/MIA's, including 1,400 first hand live-sighting reports. These reports have been classified "Top Secret" and are unavailable, not only to the American public, but to the families of the missing.

If A.J.R. 18 passes the Nevada Legislature, Nevada will be the first to urge Congress to do something about releasing information on all those Americans who are still listed as missing in action. Whether a war is popular or not, whether the outcome is favorable to us or not, one thing should always be done and that is to acknowledge those men and women who represent our nation. For those of us whose duty it is to always remember, let us also try to help those families whose suffering has been compounded by a frustrating lack of information.

I would like this gentleman sitting to my left to stand up. Bruce Bertram is a contractor and also president of the Vietnam Veterans Association, Chapter 388 of Carson City. Bruce was very influential in getting the Vietnam Memorial Wall brought to Nevada. Just so that this Chamber knows, we had over 2,000 signatures coming from that Wall in support of this resolution. Bruce does want us to know that this resolution doesn't cost us a dime. I would like to welcome Bruce here today.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of A.J.R. 18. The opportunity and the need of this particular piece of legislation, I think, is clearly shown. It is most shown in my classes in American History. When trying to explain the Vietnam War to students who have little or no knowledge of it, a frequent statement that comes forward is, "I had an uncle, I had a dad, I had a relative and I believe he is still there." I think this will go a long way to healing the wounds of Vietnam. I think it is a very, very necessary resolution.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I obviously rise in support of A.J.R. 18. I am never quite sure how much effect or impact resolutions might have on our Congress. I think sometimes Congress is a little bit like the description of a fighter pilot. You can always tell a fighter pilot but you can never tell him very much. Even though we may not be too successful in telling Congress to do something, I think it is worth the effort because every little bit helps.

I would like to tell you a story to illustrate what I think supports that notion. Those of you who followed the war in Vietnam, many of you may not have been old enough to, many of you are, but you know that we had a great deal of losses in that war. We had a great many killed, a lot were taken prisoner, and we still have questions in our mind about the status of those people. In November of 1970, I had the pleasure and the great fortune of being able to fly a mission which was to go to a prisoner of war camp right outside the outskirts of Hanoi to try to liberate our prisoners in the Son Tay Prison Camp. I had the greater good fortune of being able to survive that mission and come back. To make this story short, because we are short on time, I would like to tell you that we did land a helicopter inside the compound of that prisoner of war camp, the Army Special Forces Troops. Unfortunately, we found the camp empty. They had moved the prisoners to what was called "Hanoi Hilton," in downtown Hanoi. We didn't get those prisoners back. The point of the story is to tell you that a little effort had a great impact on the way the North Vietnamese treated our prisoners of war after that. I have talked to many prisoners who were released and came back after repatriation that said the result of that mission, that little effort, was that their lives were made a great deal easier. This resolution is to try to relieve the lives of some of the survivors and the spouses of some of these people who are still missing. They need to be able to have as much information as they can so that they can, in fact, continue their lives. It is a good resolution. I think we all should support it. Thank You.

I would like to introduce my three guests here today. On my far right is Helaine Jesse. She has been a very moving force in getting this resolution prepared and passed. She is a moving force within the community of Carson City. In fact, she was, I think, "Citizen of the Year." On my immediate right is Commander Charles Cannady. He is the Commander of the ROTC Unit at the high school and on my left is Chief Warrant Officer, George Stidham, also in the Naval ROTC. The Navy had to come in and surround me today, Mr. Speaker, to keep me in line.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I, too, rise in support of A.J.R. 18. I don't believe that anything could be more devastating than a family living with the unknown fate of friends or relatives. I think in passing this maybe we can convince some people to move forward and let's put Vietnam behind once and for all. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in support of A.J.R. 18. Just on the little street that I live on in North Las Vegas, we still have two pilots that have never been accounted for and who still have families and loved ones that will be affected, I suppose, their whole life until something is known. I have never understood the lack of cooperation with past Congress and administrations in trying to bring this tragedy to an end. I think it is very appropriate that we are supporting this resolution today and I hope that we are able to be a part of starting some movement to resolve this.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. As a veteran, I know that I speak for a lot of people here today that there is one truth that we all hold that is somewhat self-evident, and that is, that war is the ultimate of human tragedy. I know that since mankind's early beginning, nations have taken up arms against one nation or another for various reasons; some for righteous causes, others for less than honorable reasons. But in the end, the ultimate sacrifice is that of giving up your life for your country. I think that it is only fitting that I rise in support of this resolution, knowing that there are those out there who have made this ultimate sacrifice and perhaps by it, we will resolve the hardships that the families have felt.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues, as you know my number one and two sons were veterans of the Vietnam War. My number one son was a combat helicopter pilot and I know about the headaches and heartaches parents and families go through that had people in combat. I rise in support of this resolution wholeheartedly. Thank you.

Roll call on Assembly Joint Resolution No. 18:

YEAS—41.

NAYS—None.

Absent—Callister.

Assembly Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 249, 291, 390, 408, 542; Senate Bills Nos. 65, 142, 253 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 391.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 515.

Amend section 1, page 2, line 15, after the period by inserting: "*The administrator shall notify the insurer of his decision on such a claim within 90 days after the claim is received.*".

Amend section 1, page 2, line 17, after the period by inserting: "*The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the chair for the purpose of hearing Mr. Joseph Andry, National Commander of the Disabled American Veterans.

Assembly in recess at 11:29 a.m.

## ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

### REMARKS FROM THE FLOOR

Mr. Speaker requested that the following remarks be entered in the Journal.

MR. JOSEPH ANDRY, *National Commander,* Disabled American Veterans:

Mr. Speaker, thank you for that kind introduction. You know, if my mother was here, she'd say, "Boy, that is great." She'd be crying and have the hanky out and rubbing her eyes, and then my father would say, "Who the hell is that?"

Lieutenant Governor Wagner, President pro Tem Neal, Mr. Speaker, members of the Nevada State Legislature, distinguished guests, ladies and gentlemen. I am deeply honored to appear before this distinguished body of Nevada leaders today, and it is my privilege to bring the greetings of the more than 1.1 million members of the Disabled American Veterans.

If it is possible to imbue a state with human qualities—and I truly think it is—then I think the State of Nevada and America's wartime disabled veterans have a lot in common. Nowadays, Nevada's got the market cornered on boom towns. I'll bet you all wish you had a nickel for each time you heard the phrase "fastest growing this," or "fastest growing that."

But I know it's been a struggle for the state to hold its head up high. You do the best you can with what you've got. People who didn't cut it as Nevadans only saw a bunch of desert. Everyone in this chamber—and the folks you represent—saw opportunity and challenge. That's why Nevada—still challenged as all states are these days—must be considered to offer one of the nation's most exciting opportunities for personal growth and quality of life.

When I lost a leg and an eye in Vietnam, it was pretty easy for me to see only the desert. But I was blessed by the camaraderie, the spirit and resolve of my fellow disabled veterans, men and women who would only let me see the opportunities that lay within my reach. Through the long struggle of recuperation and rehabilitation, I often found myself mentally wandering back to the desert, but I was constantly reminded that a good future lay ahead for me, if only I was committed to building that future. I made that commitment, and I'm proud of the future I and disabled veterans like me have been able to build for ourselves and our children. But I don't have to tell you that either, because the evidence is all around us of Nevada's shared commitment to an equally bright and rewarding future for her citizens.

There's another reason why, as a disabled veteran, I identify so strongly with this state. I think its roots lie in those early settlers who pushed back the frontiers of America to

settle the state. They brought to the area a rock-solid faith in God and each other. They lived secure in the knowledge they couldn't survive without each other, and they died knowing they'd done their best for the common good. To my mind, that fosters a black and white sense of what's truly right and what's absolutely wrong, and it brings out a clear sense of what's important in this great land of ours.

Today you see that in the unwavering patriotism that marks each Nevada man and woman. I know of no state in my travels that has been so uniformly and powerfully supportive of her men and women in uniform, and the veterans who have served so well in past conflicts. You have made the military welcome here and you've made people like me feel truly at home, among friends who believe as you do that America is the greatest land of all.

Yes, Nevada truly can serve as a model of support for and service to her veterans and their families. But that cannot be said of many other states, and it grows less and less apparent that the Federal Government is treating the needs of her most seriously disabled veterans with any kind of priority. Over the past decade, the Department of Veterans Affairs has suffered continuing budget cuts, even as the largest segment of the veteran population—the World War II era veteran—has grown older and sicker. In the last few months we've seen repeated instances of patients who died—by the VA's own admission—as a result of poor quality VA health care, of others who were turned away from care they needed so badly, or of still others who saw their therapies eliminated, their medications cancelled or their means of transportation stopped.

These include Nevada veterans, of course, who are being denied care they've already bought and paid for. Care a grateful nation promised 20, 30 and 40 years ago on the beaches of Normandy and in the jungles of Khe Sanh. Today there are more than 2.2 million disabled veterans in America. More than 30 million veterans of our wars live today in this nation. Most importantly for us is that 147,000 of those veterans live right here in Nevada.

We know that a society is judged by how it treats those who are least able to care for themselves: the elderly and ill, the very young and the disabled. History will judge harshly any society that does all to support a war, but does little to support the warrior. America draws understandable pride from the conduct of her forces and their armament in the recently concluded Operation Desert Storm. The largest land operation in the history of warfare was successfully conducted with only a minimum loss of life. That speaks highly of America's military might. But America—when it comes to her citizens—speaks from the heart. Since the landing of the pilgrims this nation has always promised to care for her warriors and provide for the warriors' survivors. Today, America is close to reneging on that promise. Some in Washington say the price of that commitment has grown too dear. Or Capitol Hill pundits maintain that states should pick up more of the costs for that care, but states don't declare war, they only send off their finest sons and daughters when war looms.

Today, as leaders of a state committed to doing all for her citizens you can, I ask for your advocacy. Caring for him who shall have borne the battle is not a question of politics or price. The Congress and the Administration need to be reminded of this simple notion. They need to be reminded by you and people like you who have a clear vision of what this nation owes its defenders, and what we must do to support our citizen-soldiers.

Next summer, the DAV will bring its national convention to Reno. It will be the largest gathering of wartime disabled veterans in the nation. I'd like to take this opportunity to invite you all to visit with us then. Your support has been great and your hospitality superb. We'd appreciate the opportunity to return just a bit of it. Most importantly, you've given so many of us disabled veterans the ability to see that opportunities truly do exist in the desert.

Thank you and God Bless America.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Freeman, Giunchigliani, Wendell Williams, Little, Petrak, Porter, Arberry, Evans, Garner, Myrna Williams, Norton, Anderson, Bache and Haller:

Assembly Bill No. 657—An Act relating to practices of employment; abolishing the presumption that a contract of employment is terminable without cause by the employer; providing that a statutory remedy for the wrongful discharge of an employee is not exclusive; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 410 be placed on the Second Reading File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 388 be placed on the Second Reading File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 410.

Bill read second time.

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

Amendment No. 402.

Amend the bill as a whole by deleting sections 1 through 39 and adding new sections designated sections 1 through 45, and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Extended claim" means a claim for compensation in which the insurer determines that:*

*1. The likely duration of the claim is 30 days or more; or*

*2. The claimant has a low probability of returning to work at the job he held before his injury.*

Sec. 3. *"Third-party administrator" means a person who is hired by an insurer to provide administrative services for the insurer and manage claims. The term does not include an insurance company.*

Sec. 4. *"Vocational rehabilitation services" has the meaning ascribed to it in NRS 615.140.*

Sec. 5. *1. The director shall cause to be conducted at least every 3 years an audit of all insurers who provide benefits to injured employees pursuant to this chapter or chapter 617 of NRS. The director shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of this chapter or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the director.*

*2. The director shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:*

*(a) Specific audit objectives;*

*(b) Standards for documentation;*

*(c) Policies for supervisory review;*

*(d) Policies for the training of auditors;*

*(e) The format for the audit report; and*

*(f) Procedures for the presentation, distribution and retention of the audit report.*

*3. The commissioner and the director shall establish a procedure for sharing information between the insurance division of the department of commerce and the department concerning the qualifications of employers as self-insured employers pursuant to NRS 616.291.*

*4. On or before March 1 of each year, the director shall make a report of each audit to the legislature, if it is in session, or to the interim finance committee if the legislature is not in session.*

Sec. 6. *1. The manager shall make available a program, using a videotape cassette or other means of presentation, concerning the rights and responsibilities of employers and employees pursuant to this chapter and chapter 617 of NRS. The manager shall provide written notification concerning the availability of the program to each chamber of commerce in Nevada and to each statewide association for a business or industry. The program must be available to community organizations, businesses, employers and employees upon request.*

*2. The manager shall provide each:*

*(a) Employer who attends a program, a certificate which certifies that he has completed the program described in subsection 1. The employer shall post the certificate in his business in a place that is readily accessible and visible to his employees.*

*(b) Employee who attends a program, a card which certifies that he has completed the program described in subsection 1.*

*3. The manager shall identify those employers whose employees sustained injuries during the preceding calendar year at a rate that he determines is significantly greater than the rate of injuries for that industry as a whole. The manager shall provide consultation concerning safety to such employers.*

*4. If an employer refuses to consult or does not cooperate with the manager concerning safety, the manager may assess the employer an administrative penalty of not more than $1,000 or adjust the premium rate of the employer.*

Sec. 7. *On or before September 1 of each year, the system shall distribute to each employer and shall make available to physicians and chiropractors, any form for reporting injuries that has been revised within the previous 12 months.*

Sec. 8. *1. The system shall establish teams of employees of the system to manage extended claims. A team must include a claims examiner, nurse and vocational rehabilitation counselor.*

*2. The case load for a claims examiner must not exceed 200 active claims. The manager shall determine the case load for the other members of a team.*

*3. Within 10 days after a case is assigned to a team to manage extended claims, a nurse or a claims examiner who represents the system shall consult with the injured employee, the employer and the physician of the injured employee to establish a plan of care for the injured employee.*

*4. The plan of care for the injured employee must provide early intervention, if appropriate, and may include:*

*(a) Physical therapy, medical services and rehabilitation;*

*(b) Occupational therapy;*

*(c) Psychological examination; and*

*(d) Vocational rehabilitation services.*

*5. The team shall provide the employer and the treating physician or chiropractor with information concerning the injured employee, including:*

*(a) Any changes in the treating physician or chiropractor; and*

*(b) Information concerning the denial of a claim.*

Sec. 9. *1. Except as otherwise provided in subsection 2, a claims examiner shall represent the system in a hearing.*

*2. A member of a team established pursuant to section 8 of this act shall represent the system in a hearing concerning an extended claim managed by the team.*

Sec. 10. *The chief of the hearings division of the department of administration shall:*

*1. Prescribe by regulation the qualifications and training required before a person may, pursuant to this chapter or chapter 617 of NRS, serve as a hearing officer. Training for a hearing officer must include techniques of mediation.*

*2. Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.*

Sec. 11. *An insurer shall adhere to the following priorities in returning an injured employee to work:*

*1. Return the injured employee to the job he had before his injury.*

*2. Return the injured employee to a job with the employer he worked for before his accident that accommodates any limitation imposed by his injury.*

*3. Return the injured employee to employment with another employer in a job that uses his existing skills.*

*4. Provide training for the injured employee while he is working in another vocation.*

*5. Provide formal training or education for the injured employee in another vocation.*

Sec. 12. *1. If an injured employee is eligible for vocational rehabilitation services pursuant to subsection 3 of NRS 616.222, the insurer and the*

*injured employee may execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services.*

*2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational rehabilitation services under his claim.*

*3. Before executing an agreement pursuant to subsection 1, an insurer must:*

*(a) Order an assessment of and counseling concerning the vocational skills of the injured employee;*

*(b) Consult with the employer of the injured employee; and*

*(c) Provide a written notice to the injured employee that contains the following statements:*

*(1) That the injured employee is urged to consult with an attorney before signing the agreement.*

*(2) That the injured employee may rescind the agreement within 20 days after he signs it.*

*(3) That the 20-day period pursuant to subparagraph (2) may not be waived.*

*(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.*

Sec. 13. *1. The system may execute agreements for the provision of vocational rehabilitation services for injured employees with the employment security department, the rehabilitation division of the department of human resources and any other state or federal agency which provides such services. The provisions of this subsection do not preclude the system from providing vocational rehabilitation services for injured employees.*

*2. The administrator shall adopt regulations concerning the use of programs that provide vocational rehabilitation services and which are located outside Nevada.*

Sec. 14. *1. A hearing officer or appeals officer shall not order self-employment for an injured employee.*

*2. An insurer and an injured employee may execute an agreement concerning self-employment.*

Sec. 15. *1. An insurer shall schedule a rating for an injured employee within 30 days after the injured employee is determined to be stable and ratable by the treating physician.*

*2. A rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee.*

*3. A self-insurer shall not limit to only one physician his selection of a physician to determine the percentage of disability of an injured employee pursuant to NRS 616.605 if there is more than one physician whose name appears on the list of qualified physicians pursuant to that section.*

Sec. 16. *1. If an injured employee disagrees with the percentage of disability determined by a physician, the injured employee may choose*

*another physician from the list established pursuant to NRS 616.605 and obtain a second determination of the percentage of disability. The injured employee shall pay for the second determination.*

*2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.*

*3. If a hearing officer or appeals officer determines, or if the parties agree, that the percentage of disability of the injured employee is greater than the first determination, the insurer shall reimburse the injured employee for all costs incurred by the injured employee for the second determination.*

Sec. 17. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.120, inclusive, *and sections 2, 3 and 4 of this act,* have the meanings ascribed to them in those sections.

Sec. 18. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department of industrial relations shall regulate insurers [under] *and third-party administrators pursuant to* this chapter and chapter 617 of NRS and investigate insurers *and third-party administrators* regarding compliance with statutes and the department's regulations.

2. The commissioner of insurance is responsible for reviewing rates, investigating the solvency of insurers *and third-party administrators* and certifying self-insured employers pursuant to NRS 616.291 to 616.298, inclusive, 616.337 and 616.338.

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The state industrial claimants' attorney is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

*5. The division of industrial insurance regulation is responsible for the investigation of complaints from injured employees only as provided by specific statute.*

Sec. 19. NRS 616.222 is hereby amended to read as follows:

616.222 1. [To] *Except as otherwise provided in this section, to* aid in returning an injured employee to work or to assist in lessening or removing any resulting handicap, the insurer [may] *shall* order counseling, training or rehabilitative services for the injured employee regardless of the date on which he first became entitled to compensation.

2. Before ordering *any* rehabilitative services for an injured employee there must first be a consultation with the injured employee and the treating physician or chiropractor with respect to whether the proposed program is compatible with the injured employee's age, sex and physical condition. If the services will involve a change in vocation, the consultation must also include *a consultation with* the employer *of the injured employee* and a rehabilitation counselor.

3. *An injured employee is eligible for vocational rehabilitation services if:*

*(a) The treating physician or chiropractor approves the return of the injured employee to work but imposes restrictions that prevent the injured employee from returning to the job he held before his injury and the employer of the injured employee does not offer employment that the employee is eligible for considering those restrictions; or*

*(b) The treating physician or chiropractor refers the injured employee for vocational rehabilitation services.*

*4. Vocational rehabilitation services ordered by an insurer may include the formal education of the injured employee only if:*

*(a) The education is recommended by a plan of vocational rehabilitation; and*

*(b) A written proposal concerning the probable economic benefits to the employee and the necessity of the education is submitted to the insurer.*

*5.* Any employee eligible for compensation other than accident benefits may not be paid those benefits if he refuses counseling, training or other rehabilitative services offered by the insurer.

Sec. 20. NRS 616.226 is hereby amended to read as follows:

616.226 [Hearing officers, appeals]

*1. Appeals* officers, the administrator and the manager, in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted [under] *pursuant to* this chapter may:

[1.] *(a)* Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

[2.] *(b)* Administer oaths.

[3.] *(c)* Certify to official acts.

[4.] *(d)* Call and examine under oath any witness or party to a claim.

[5.] *(e)* Maintain order.

[6.] *(f)* Rule upon all questions arising during the course of a hearing or proceeding.

[7.] *(g)* Permit discovery by deposition or interrogatories.

[8.] *(h)* Initiate and hold conferences for the settlement or simplification of issues.

[9.] *(i)* Dispose of procedural requests or similar matters.

[10.] *(j)* Generally regulate and guide the course of a pending hearing or proceeding.

*(k) Enforce decisions and settlements by imposing an administrative penalty or other sanction on a party to a claim for the violation of an order issued in the hearing or proceeding.*

*2. Hearing officers, in conducting hearings pursuant to the provisions of this chapter or the regulations adopted pursuant thereto may:*

*(a) Issue subpenas requiring the attendance of a witness or the production of books, accounts, papers, records or documents.*

*(b) Maintain order.*

*(c) Permit discovery by deposition or interrogatories.*

*(d) Initiate and hold conferences for the settlement or simplification of issues.*

*(e) Dispose of procedural requests or similar matters.*

*(f) Generally regulate and guide the course of a pending hearing or proceeding.*

*3. After making a determination pursuant to a hearing or other proceeding, the insurer shall notify the injured employee, the employer and the physician or chiropractor who is treating the injured employee of the determination.*

Sec. 21. NRS 616.294 is hereby amended to read as follows:

616.294 1. The commissioner [may] *shall* impose an administrative fine, not to exceed $500 for each violation, and [may] *shall* withdraw the certification of a self-insured employer if:

(a) The deposit required pursuant to NRS 616.291 is not sufficient and the employer fails to increase the deposit after he has been ordered to do so by the commissioner;

(b) The self-insured employer fails to provide evidence of excess insurance pursuant to NRS 616.291 within 45 days after he has been so ordered;

(c) The employer intentionally fails to comply with regulations of the commissioner regarding reports or other requirements necessary to carry out the purposes of this chapter; or

(d) The employer becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any involuntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation after an order for payment of any claim becomes final.

2. Any employer whose certification as a self-insured employer is withdrawn must, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616.305.

Sec. 22. NRS 616.2945 is hereby amended to read as follows:

616.2945 The commissioner [may] *shall* impose an administrative fine, not to exceed $5,000, if an employer whose certification as a self-insured employer has terminated fails to pay compensation [under] *pursuant to* this chapter or chapter 617 of NRS after an order for payment of any claim becomes final.

Sec. 23. NRS 616.330 is hereby amended to read as follows:

616.330 *1.* Every employer receiving from the system or administrator any blank form with directions to fill it out shall:

[1.] *(a)* Cause it to be filled out properly.

[2.] *(b)* Answer fully and correctly all questions therein propounded, and if unable to do so, shall give good and sufficient reasons for his failure. Answers to questions must be verified and returned to the system or administrator within [the period fixed by the system or administrator for return.] *6 working days.*

*2. The administrator shall impose an administrative fine if an employer fails to comply with the provisions of subsection 1. The administrator may impose a fine of not more than $1,000 for each failure to comply.*

Sec. 24. NRS 616.340 is hereby amended to read as follows:

616.340 1. Every employer within the provisions of this chapter [,] shall, immediately upon the occurrence of an injury to any of his employees, render to the injured employee all necessary first aid, including the cost of transportation of the injured employee to the nearest place of proper treatment if the injury is such as to make it reasonably necessary for such transportation.

2. Each such employer who is not self-insured or his agent shall within 6 working days following receipt of knowledge of an injury to an employee, notify the insurer's claims administrator in writing of the accident. *The notification of the accident must include a complete statement of the wages of the injured employee. An employee of the system shall not complete any form concerning the accident for an employer unless the employer:*

*(a) Is not in business;*

*(b) Has not been located by the insurer within 5 working days after receipt of the notification of the accident; or*

*(c) Refuses to complete the forms.*

3. An employer who is not self-insured is entitled to receive reimbursement from his insurer for the costs incurred in rendering the necessary first aid and transportation of an injured employee to the nearest place of proper treatment.

4. Any employer who fails to comply with the provisions of subsection 2 [may] *must* be fined not more than [$250] *$1,000 by the administrator* for each failure.

Sec. 25. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator [may appoint] *shall establish a panel of* physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under this chapter. [Physicians and chiropractors so appointed constitute a panel of physicians and chiropractors, and every] *Every* employer shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. Any further change is subject to the approval of the insurer.

3. Except when emergency medical care is required and except as provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

4. The administrator may order necessary changes in a panel of physicians and chiropractors and [may] *shall* suspend or remove any physician or chiropractor from a panel [.] *for good cause shown.*

*5. The insurer shall not refer an injured employee to a physician who is not licensed to practice medicine in this state or who does not have privileges at a hospital or medical facility within this state or to a chiropractor who is not licensed to practice chiropractic in this state unless:*

*(a) The injured employee has changed his residence and lives outside Nevada;*

*(b) The injured employee requests treatment outside Nevada; or*

*(c) The required treatment is not available in Nevada.*

*6. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.*

Sec. 26. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under this chapter. Every employer shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. *The insurer shall notify the first physician or chiropractor in writing within 6 working days after such a change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification.* Any further change is subject to the approval of the insurer.

3. Except when emergency medical care is required and except as provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

4. The administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

5. The insurer shall not refer an injured employee to a physician who is not licensed to practice medicine in this state or who does not have privileges at a hospital or medical facility within this state or to a chiropractor who is not licensed to practice chiropractic in this state unless:

(a) The injured employee has changed his residence and lives outside Nevada;

(b) The injured employee requests treatment outside Nevada; or

(c) The required treatment is not available in Nevada.

6. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.

Sec. 27. NRS 616.345 is hereby amended to read as follows:

616.345 1. Every employer within the provisions of this chapter, and every physician or chiropractor who attends an injured employee within the provisions of this chapter, shall file with the insurer a [full] *complete* report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury.

2. Reports must be furnished to the insurer in the form prescribed *within 6 working days following receipt of knowledge of an injury to an employee* and must contain special answers to all questions required by the regulations of the department.

*3. The administrator shall impose an administrative fine on a person who fails to comply with the provisions of subsection 1. The administrator may impose a fine of not more than $1,000 for each failure.*

Sec. 28. NRS 616.354 is hereby amended to read as follows:

616.354 1. [No] *A* provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may *not* charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for [any other unrelated] services which are requested in writing by the patient.

2. The insurer is liable for all charges for approved services if the charges do not exceed:

(a) The fees established in accordance with NRS 616.412 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer.

3. If a provider of health care or an insurer violates the provisions of this section, the administrator [may] *shall* impose an administrative fine not to exceed $250 for each violation.

Sec. 29. NRS 616.375 is hereby amended to read as follows:

616.375 1. If any employer within the provisions of NRS 616.285 fails to provide and secure compensation under this chapter, any injured employee or his dependents may bring an action at law against [such] *the* employer for damages as if this chapter did not apply.

2. The injured employee or his dependents may in such *an* action attach the property of the employer at any time upon or after the institution of [such] *the* action, in an amount fixed by the court, to secure the payment of any judgment which is ultimately obtained. The provisions of chapters 31 and 71 of NRS [shall] govern the issuance of, and proceedings upon, [such] *the* attachment.

3. In such *an* action , [as in this section provided,] the employer [shall] *does* not escape liability for personal injury or accident sustained by [an employee of such employer,] *the employee,* when the injury sustained arises out of and in the course of the employment, because:

(a) The employee assumed the risks:

(1) Inherent or incidental to, or arising out of his employment;

(2) Arising from the failure of the employer to provide and maintain a reasonably safe place to work; or

(3) Arising from the failure of the employer to furnish reasonably safe tools , *motor vehicles* or appliances.

(b) The employer exercised reasonable care in selecting reasonably competent employees in the business.

(c) The injury was caused by the negligence of a coemployee.

(d) The employee was negligent, unless it appears that such negligence was willful and with intent to cause injury or the injured party was intoxicated.

In such cases it [shall be] *is* presumed that the injury to the employee was the result of the negligence of the employer and that such negligence was the proximate cause of the injury [. In such case] , *and* the burden of [the] proof rests upon the employer to rebut the presumption of negligence.

Sec. 30. NRS 616.412 is hereby amended to read as follows:

616.412 1. All fees and charges for accident benefits are subject to regulation by the department and must not:

(a) Exceed the fees and charges usually paid in the state for similar treatment.

(b) Be unfairly discriminatory as between persons legally qualified to provide the particular service for which the fees or charges are asked.

2. The director shall, giving consideration to the fees and charges being paid in the state, establish a schedule of reasonable fees and charges allowable for accident benefits. The director shall review and revise the schedule [annually] *on or before October 1 of each year* and shall not increase the schedule by any factor greater than the corresponding annual increase in the Consumer Price Index (Medical Care Component).

3. The director may request a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the state, to provide the director with such information concerning fees and charges paid for similar services as he deems necessary to carry out the provisions of subsections 1 and 2. The director shall not require any person to record or report his fees or charges in a manner inconsistent with the person's own system of records. The director may require a person or entity providing records or reports of fees charged to provide interpretation and identification concerning the information delivered. The director may impose an administrative fine of $500 for each refusal to provide the information requested pursuant to this subsection.

4. The department may adopt reasonable regulations necessary to carry out the provisions of this section. *The regulations must include provisions concerning:*

*(a) Standards for the development of the schedule of fees and charges;*

*(b) The periodic revision of the schedule; and*

*(c) The monitoring of compliance by providers of benefits with the adopted schedule of fees and charges.*

Sec. 31. NRS 616.500 is hereby amended to read as follows:

616.500 1. Notice of the injury for which compensation is payable under this chapter must be given to the insurer as soon as practicable, but within 30 days after the happening of the accident.

2. In case of death of the employee resulting from the injury, notice must be given to the insurer as soon as practicable, but within 60 days after death.

3. The notice must:

(a) Be in writing;

(b) Contain the name and address of the injured employee;

(c) State in ordinary language the time, place, nature and cause of the injury; and

(d) Be signed by the injured employee or by a person in his behalf, or in case of death, by one or more of his dependents or by a person on their behalf.

4. No proceeding under this chapter for compensation for an injury may be maintained unless the injured employee, or someone on his behalf, files with the insurer a claim for compensation with respect to the injury within 90 days after the happening of the accident, or, in the case of death, within 1 year after death.

5. The notice required by this section must be served by delivery of a copy of the notice, or by mailing a copy thereof in a sealed postpaid envelope addressed to the insurer. Such mailing constitutes complete service.

6. Failure to give notice or to file a claim for compensation within the time specified in this section is a bar to any claim for compensation under this chapter, but such failure may be excused by the insurer on one or more of the following grounds:

(a) That notice for some sufficient reason could not have been made.

(b) That failure to give notice will not result in an unwarrantable charge against the state insurance fund.

(c) That failure to give notice was because of the employee's or beneficiary's mistake or ignorance of fact or of law, or of his physical or mental inability, or to fraud, misrepresentation or deceit.

7. The insurer [must either] *shall* accept or deny responsibility for compensation under this chapter or chapter 617 of NRS within [30] *14 working* days after the notice provided for in this section is received. If additional information is necessary to determine liability, the [insurer] *administrator* may *, for good cause shown,* extend the period to [60] *45* days upon notice to the claimant . [if the administrator approves.] If additional information is still necessary, the [insurer] *administrator* may grant a further extension if the [administrator approves and the] claimant gives his written consent, but the total period may not be extended to more than 90 days.

Sec. 32. NRS 616.502 is hereby amended to read as follows:

616.502 *1.* The insurer may not [:

1. Deny responsibility under this chapter for any charges for treatment of the injuries or disease of an employee solely because the treatment was provided by a physician or chiropractor who is not a member of the panel of physicians and chiropractors.

2. In] , *in* accepting responsibility for any [such] charges, use fee schedules which unfairly discriminate among physicians and chiropractors.

*2. If a physician or chiropractor is removed from the panel established pursuant to NRS 616.342, he must not be paid for any services rendered to the injured employee after the date of his removal.*

Sec. 33. NRS 616.5412 is hereby amended to read as follows:

616.5412 1. Any person who is subject to the jurisdiction of the hearing officers [under] *pursuant to* this chapter or chapter 617 of NRS may request a hearing before a hearing officer of any matter within his authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A person who is aggrieved by a [decision] *written or oral determination* of an insurer may appeal from the [decision] *determination* by filing a request for a hearing before a hearing officer. [Such a] *Except as otherwise provided in subsection 7 of NRS 616.500, the failure by an insurer to respond to a written request for a hearing within 30 days after receipt of such a request shall be deemed a denial of that request. A* request must be filed within 60 days after the date on which the notice of its [decision] *determination* was mailed by the insurer [.] *or within 60 days after the failure of the insurer to respond to a written request.*

3. Failure to file a request for a hearing within the period specified in subsection 2 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the [decision] *determination* and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

Sec. 34. NRS 616.5416 is hereby amended to read as follows:

616.5416 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request; [and]

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled [.] *; and*

*(c) Conduct hearings expeditiously and informally.*

2. *The notice must include a statement that the injured employee may be represented by an attorney.*

*3.* If necessary to resolve a medical question concerning an injured employee's condition, the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a physician or chiropractor designated by the administrator. The insurer shall pay the costs of any medical examination requested by the hearing officer.

[3.] *4. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.*

*5.* The hearing officer shall [prepare written findings of facts and] render his decision within 15 days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

[4.] *6.* The hearing officer shall give notice of his decision to each party by mail. He must include with the notice of his decision the necessary forms for appealing from the decision.

[5.] *7.* The decision of the hearing officer is not stayed if an appeal from that decision is taken unless a stay is granted by the hearing officer or an appeals officer within 30 days after the date on which the decision was rendered.

Sec. 35. NRS 616.5422 is hereby amended to read as follows:

616.5422 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by filing a notice of appeal with an appeals officer within [60] *30* days after the date of the decision.

2. The filing of a notice of appeal does not automatically stay the enforcement of the decision of the hearing officer. The appeals officer may order a stay, when appropriate, upon the application of a party.

3. The appeals officer shall, within 10 days after receiving a notice of appeal, schedule a hearing for a date and time within [60] *45* days after his receipt of the notice and give notice by mail or by personal service to all parties to the appeal and their attorneys or agents at least 30 days before the date and time scheduled.

4. An appeal may be continued upon written stipulation of all parties, or upon good cause shown . [, but not for more than 45 days after the date of the stipulation. Notice of continuance must be given by mail or by personal service to all interested parties.]

5. Failure to file a notice of appeal within the period specified in subsection 1 may be excused if the party aggrieved shows by a preponderance of the evidence that he did not receive the notice of the decision and the forms necessary to appeal the decision. The claimant, employer or insurer shall notify the hearing officer of a change of address.

Sec. 36. NRS 616.580 is hereby amended to read as follows:

616.580 Every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents as defined in this chapter, is entitled to receive the following compensation for permanent total disability:

1. In cases of total disability adjudged to be permanent, compensation per month of 66 2/3 percent of the average monthly wage. *The compensation is subject to an annual adjustment for increases in the cost of living. The adjustment in compensation for the fiscal year in which the compensation is payable is the initial annual rate of compensation multiplied by the percentage change in the Consumer Price Index. The annual rate of change applied as an adjustment must not exceed 5 percent. The adjustment must be applied to the compensation, as adjusted, paid during the previous calendar year.*

*The rate of change in the Consumer Price Index must be determined by the director and reported to the insurer on or before June 30 for the preceding calendar year. On or before July 31 of each year, the director shall publish the amount of the cost of living adjustment that becomes effective January 1 of the following year. If an injured employee who receives compensation pursuant to this section also receives benefits from federal social security disability insurance, the adjusted annual compensation must be reduced to the extent necessary to avoid a diminution of the federal social security disability benefits. When federal social security disability insurance benefits do not impose a diminution in the payment of the adjustment in compensation, payments must be made to the full extent permitted by this subsection.*

2. Where there is a previous disability, as the loss of one eye, one hand, one foot or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

3. In cases of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the service of a constant attendant, an additional allowance may be made so long as such requirements continue, but the allowance may not be made while the workman is receiving benefits for care in a hospital or facility for intermediate care pursuant to the provisions of NRS 616.410 and 616.415.

Sec. 37. NRS 616.585 is hereby amended to read as follows:

616.585 1. Every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. *If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial report of injury.*

*3.* Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

[3.] *4.* For purposes of benefits for a temporary total disability under this section, the period of temporary total disability ceases when any physician or chiropractor determines that the employee is capable of any gainful employment.

Sec. 38. NRS 616.605 is hereby amended to read as follows:

616.605 1. Every employee, in the employ of an employer within the provisions of this chapter, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section "disability" and "impairment of the whole man" are equivalent terms.

2. The [insurer shall select a physician from a group of rating physicians designated by the administrator, to] *system shall refer an injured employee who is entitled to compensation for a permanent partial disability to the department for a rating by a physician. The administrator shall designate a*

*list of physicians qualified to* determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment [in the form most recently published and supplemented before January 1, 1985.] *as adopted and supplemented by the department.* The department [may supplement this publication by adopting regulations for a supplemental guide.] *shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.*

3. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

4. Each 1 percent of impairment of the whole man must be compensated by a monthly payment of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981, and 0.6 percent for injuries sustained on or after July 1, 1981. Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

5. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

6. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

7. The department may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

8. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

9. This section does not entitle any person to double payments for the death of a workman and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

*10. Physicians must be selected in rotation from the list of qualified physicians designated by the administrator pursuant to subsection 2, according to the order in which their names appear on the list.*

Sec. 39. NRS 616.620 is hereby amended to read as follows:

616.620 Except as otherwise provided by NRS 616.5435, 616.607 and 616.615, *and section 12 of this act,* the insurer shall not make or allow any lump-sum settlements.

Sec. 40. NRS 616.623 is hereby amended to read as follows:

616.623 *1.* Every injured employee, widow, widower or dependent, within the provisions of this chapter, is entitled to receive from a qualified employee of the insurer an explanation of the various alternatives implicit in lump sum compensation or other settlement [under] *pursuant to* this chapter and the long-range effects of a determination made as to one or the other kind of settlement.

*2. The insurer shall provide a written explanation of the alternatives pursuant to subsection 1.*

*3. Upon selecting an alternative, the injured employee, widow, widower or dependent shall provide his selection in writing to the insurer.*

Sec. 41. NRS 616.647 is hereby amended to read as follows:

616.647 1. If the administrator has reason to believe that an insurer , *third party administrator* or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with regulations of the department for the acceptance and rejection of claims, determination and calculation of a claimant's average monthly wage, determination and payment of compensation, delivery of accident benefits , *payment of physicians or chiropractors* and reporting relating to these matters; or

(h) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS,

the administrator shall set a date for a hearing. The date must be no sooner than 30 days after notice is served upon the insurer or employer of the alleged action and the time and place of the hearing.

2. If, after an evidentiary hearing, the administrator determines that the insurer or employer has committed the alleged act, the administrator [may] *shall* impose an administrative fine of:

(a) Not more than $100 for each initial act in violation of paragraph (g) of subsection 1 which was not intentional;

(b) Not more than $1,000 for each intentional or repeated act in violation of paragraph (g) of subsection 1; or

(c) Not more than $1,000 for each act in violation of any other provisions of subsection 1.

3. A record of the hearing must be kept but it need not be transcribed unless it is requested by the insurer or employer and he pays the cost of transcription.

4. Two or more fines of $1,000 levied by the administrator in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the [possible] revocation of a certificate of self-insurance.

5. The commissioner [may] *shall* withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer:

(a) Intentionally or repeatedly committed any of the acts enumerated in paragraph (g) of subsection 1; or

(b) Committed any acts in violation of any other provisions of subsection 1.

Sec. 42. NRS 616.655 is hereby amended to read as follows:

616.655 Any employer who fails:

1. To post the notice required by NRS 616.305 [shall be] *in a place that is readily accessible and visible to employees is* guilty of a misdemeanor.

2. To maintain the notice or notices required by NRS 616.305 [shall be] *is* guilty of a misdemeanor.

Sec. 43. NRS 616.650 is hereby repealed.

Sec. 44. Section 13 of this act expires by limitation on July 1, 1993.

Sec. 45. Section 26 of this act becomes effective on July 1, 1992.

616.650 Failure to make report of employee's injury. Any person, firm or corporation, agent or officer of any firm or corporation, or any attending physician or chiropractor who fails or refuses to comply with the provisions of NRS 616.345 shall be fined not more than $250.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; requiring the periodic auditing of certain insurers; requiring the system to establish teams to manage extended claims; restricting the vocational rehabilitation services that may be ordered by an insurer; establishing priorities for returning an injured employee to work; increasing fines for certain violations; requiring insurers to accept or deny claims more quickly; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Bill No. 410 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

Assembly Bill No. 388.

Bill read second time.

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

Amendment No. 461.

Amend section 1, page 1, by deleting lines 3 through 16 and inserting:

"*1. The department shall, after consulting with and considering the advice of persons representative of organized labor groups, employers, insurers and providers of health care, adopt regulations establishing standards of care for the provision of accident benefits to employees who have suffered industrial injuries or occupational diseases. The standards must include, but are not limited to criteria and protocols to be used as minimal guides for evaluating and ensuring the quality of programs of treatment and for reviewing the:*

*(a) Use of diagnostic procedures and the provision of other medical services;*

*(b) Treatment and expected durations of industrial injuries and occupational diseases;*

*(c) Use of narcotic drugs and other forms of medication;*

*(d) Referral of patients to obtain a second opinion; and*

*(e) Provision of care by more than one provider of health care.*

*The standards must be consistent with national or regional guidelines and must be specific to medicine for industrial injuries and occupational diseases.*

*2. The department shall, after consulting with and considering the advice of persons representative of organized labor groups, employers, insurers and providers of health care, periodically review and revise as necessary the standards established pursuant to subsection 1.*

*3. An insurer and each person who provides any accident benefit to an employee who has suffered an industrial injury or occupational disease shall comply with the regulations adopted pursuant to this section.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. This act becomes effective upon passage and approval for the purpose of adopting the regulations required pursuant to section 1 of this act, and on January 1, 1992, for all other purposes.

2. In furtherance of section 1 of this act, the department shall, on or before January 1, 1992, adopt standards of care for injuries of the back, knee, hand and wrist. On or before January 1, 1992, the department shall begin adopting standards of care for the remaining industrial injuries and occupational diseases in ranked order as determined by the director on the basis of frequency of injury, occurrence of disease and cost to insurers. The standards for the remaining industrial injuries and occupational diseases must be adopted in full on or before July 1, 1992.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Bill No. 388 be rereferred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 658—An Act relating to small claims; denying an appeal to a plaintiff in an action in small claims court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 659—An Act relating to domestic relations; requiring certain provisions to be included in an order or decree for the custody of a child; establishing a schedule concerning custody during holidays; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Spitler requested that Assemblyman Heller's remarks be entered in the Journal.

Thank you, Mr. Speaker. If most of you didn't notice, today on your desk was a pen and ink drawing. I would like to talk about that picture that you have sitting on your desk and introduce the woman who is sitting here at my right. If she would stand up.

Thelma Calhoun is one of Carson City's best-known artists. A resident of Nevada since 1940, Thelma has witnessed a lot of its history. Much of this history she has captured in her art—especially in her well-known pen and ink drawings of significant, historical structures. She has 540 major works to her credit, seven of which are currently displayed in the Nevada Senate's Leadership Lounge.

For 13 years, Thelma served on the State Council for the Arts, having been appointed to that position four times. That honor is, undoubtedly, not only due to her talent and commitment to the arts but, also, because of her vibrant personality and considerable charm.

Always one to recognize and applaud others, Thelma would like everyone to know that Tony Hartmann of Sierra Nevada Printing generously donated the 100 prints of the pen and ink drawing she did to commemorate the Nevada State Museum for you. I would like to show our appreciation today.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 56, 59.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Rormanx.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Thelma Calhoun and Mr. Bruce Bertram.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Sandy Armentrout, Kathleen Maxfield, Camille Sakelaris, Nancy Almsted, Sydney Koppert, Tammy Beach, Mr John Lawton and the following students from Anderson School, Reno: Nachele Adler, Jenny Alessandrelli, Jose Becerra, Natasha Brown, Adriana Bruno, Monique Burch, Janice Burton, Stefanie Tisdale, Carrie Chen, Jason Tuipulotu, Andrea Freese, David Galpin, Matthew Harris, Brad Hartung, Derek Huntington, Jennifer Lindberg, Carlos Ramirez, Ana Ruiz, Kristen Sakelaris, Jason Saul, Allison Sawyer, Kari Schmidt, Meghan Camp, Christopher Stout, Rob Ernst, Amber Bechtol, Sherry Camacho, Sophia Canner, Tamara Canner, Eva Juarez, Sydney Koppert, Ashley Lawton, Christina Lee, Julia Mazzoni, Susan Nelson, Dina Orlando, Michael Berkley, Mike Burke, Jaimie Doering, Todd Heinen, Robert Johnson, Brett Kishkis, Ronald Lance, Luke Long, Fred O'Leary, Donald Orton, Damien Phillips, Justin Reed, Javier Rivera, Ryan Swanberg and Jeremy Tyree.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Mackedon.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Helaine Jesse, Commander Charles Cannady and Chief Warrant Officer George Stidham.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 6, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 6, 1991

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving, heavenly Father, for the provisions of this beautiful spring day, we thank You. We are grateful that You provide for all of the many needs that we have. Our prayer today is for this Assembly, that You provide these legislators with a spirit of knowledge and wisdom they need to accomplish the work that will benefit all the citizens of this great state. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 505; Senate Bill No. 323; Assembly Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 380.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Carpenter, Heller, Myrna Williams, Elliott, Garner, Little, Stout, Petrak, Bennett, Krenzer, Kerns, Evans, Porter, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Anderson, Petty-

john, Bache, Lambert, Freeman, Bergevin, Sader, Callister, Arberry, Price, Gregory, Wong, Johnson, Gibbons, Giunchigliani, Spriggs, Norton, Hardy, Marvel, McGaughey, Humke, Dini and Goetting:

Assembly Concurrent Resolution No. 64—Congratulating Clarence Ramsey on his 100th birthday on May 5, 1991.

WHEREAS, Clarence A. Ramsey will be 100 years old this May 5; and

WHEREAS, Clarence Ramsey was born in 1891 in New Lebanon, Pennsylvania, to Asa and Grace Ramsey, spending most of his early childhood growing up on his grandfather's farm; and

WHEREAS, At the age of 21 Clarence Ramsey set out to realize his dream of becoming a cowboy by moving west to Wyoming where he was initiated into the cowboy life briefly before moving to Nevada in 1915 to join his father in the mining business; and

WHEREAS, Clarence Ramsey became superintendent for the Eureka Nevada Mining Company but continued to work part time on several cattle ranches and his love of the cowboy life has lingered throughout his life; and

WHEREAS, A third generation republican, Clarence Ramsey represented Eureka County in the Assembly during the 1951 and 1959 sessions and in a special session in 1960; and

WHEREAS, Clarence Ramsey married Mary Jane Laird and raised their two daughters, Mary Orrelle and Catherine Esther while living in Eureka; and

WHEREAS, Clarence and Mary Jane had 7 grandchildren, 13 great-grandchildren and 2 great-great-grandchildren; and

WHEREAS, After Mary Jane passed on, Clarence married Ethel Crosby when he was 84 and after Ethel died he married Jean Duarte when he was 95 and they are still married today living in Nash, Oklahoma; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature hereby congratulate Clarence Ramsey on his 100th birthday and hope that once again he will follow his heart and return home to Nevada; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Clarence Ramsey.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblyman Carpenter.

Resolution adopted unanimously.

Assemblyman Carpenter moved that all rules be suspended and that Assembly Concurrent Resolution No. 64 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Evans moved that Assembly Bill No. 448 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 458 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 279 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 250 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Pettyjohn, Goetting, Scherer, Kerns, Bayley, Anderson, Lambert, Hardy, Heller, Price, Humke, Little, Garner, Carpenter, Stout, Marvel, Gibbons, Arberry, Elliott, Bennett, Gregory, Petrak, Krenzer, Wong, Johnson, McGaughey, Spitler, McGinness, Haller, Bergevin, Spriggs, Norton, Evans, Porter, Sader and Dini:

Assembly Bill No. 660—An Act relating to public agencies; establishing a committee on efficiency in state government; providing for review by the committee of those state agencies selected by the legislative commission; specifying guidelines for review; providing the committee with investigative powers; requiring the committee to report its results to the legislature and the governor; and providing other matters properly relating thereto.

Assemblyman Pettyjohn moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Pettyjohn, Hardy, Scherer, Bayley, Price, Humke, McGinness, Garner, Stout, Marvel, Gibbons, Arberry, Elliott, Petrak, Wong, McGaughey, Spitler, Haller, Lambert, Bergevin, Anderson, Heller, Spriggs, Norton, Carpenter, Evans, Goetting and Dini:

Assembly Bill No. 661—An Act making an appropriation to Clark County for completion of the construction of the fairgrounds for the Clark County fair; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Arberry, Bayley, Wendell Williams, Price, Stout, Carpenter, Elliott, Little, Garner, Spriggs, Bache, Norton, Petrak, Scherer, Kerns, Haller, Wong, Bennett, Gregory, Hardy, Myrna Williams, Spitler, Lambert, Freeman, Gibbons, Johnson, McGaughey, McGinness, Pettyjohn, Anderson, Humke, Giunchigliani, Goetting, Sader, Evans, Marvel and Dini:

Assembly Bill No. 662—An Act relating to credit reporting agencies; prohibiting the inclusion in a credit report of a reference to a bad debt if the debt has been paid; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Arberry, Porter, Wendell Williams, Price, Callister, Spitler, McGaughey, Sader, Stout, Elliott, Garner, Heller, Bache, Norton, Petrak, Bennett, Wong, Lambert, Haller, Myrna Williams, Humke, Gibbons, Giunchigliani, McGinness, Anderson, Goetting, Pettyjohn, Krenzer, Marvel, Johnson, Kerns, Evans and Dini:

Assembly Bill No. 663—An Act relating to insurance; requiring certain insurers to offer operators' policies of liability insurance for ownership, maintenance or use of a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Arberry and Wendell Williams:

Assembly Bill No. 664—An Act relating to the redevelopment of communities; repealing the provision that establishes redevelopment agencies; limiting the powers of existing agencies; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 380.

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

Motion carried.

Senate Bill No. 438.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 202.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 513.

Amend the bill as a whole by deleting sections 1 through 47 and adding new sections designated sections 1 through 52, following the enacting clause, to read as follows:

"Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 42, inclusive, of this act.

Sec. 2. The legislature finds and declares that:

1. The practice of massage therapy by persons who do not possess sufficient knowledge of anatomy and physiology or an understanding of the

relationship between the structure and the function of the tissues being treated and the total function of the body may endanger the health, welfare and safety of the residents of this state.

2. To protect the residents of this state, it is necessary to license and regulate the practice of massage therapy.

Sec. 3. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 4. "Board" means the board of massage therapists.

Sec. 5. "Massage practitioner" means a person licensed pursuant to section 20 of this act.

Sec. 6. "Massage therapist" means a person licensed pursuant to section 19 of this act.

Sec. 7. 1. "Massage therapy" means the application of a system of external manipulations or pressure to the muscular structure and soft tissues of the human body for therapeutic purposes, including, but not limited to:

(a) Effleurage;

(b) Petrissage;

(c) Tapotement;

(d) Tapping;

(e) Compressions;

(f) Vibration;

(g) Friction;

(h) Nerve strokes; and

(i) Swedish gymnastics or movements applied manually with or without superficial heat, cold, water, lubricants or salts.

2. The term does not include diagnosis, adjustment or manipulation of any articulations of the body or spine or the mobilization of articulations by a thrusting force.

Sec. 8. The provisions of this chapter do not apply to:

1. A person licensed pursuant to chapter 630, 630A, 632, 633, 634, 634A, 635, 640 or 641 of NRS if the massage therapy is performed in the course of the practice for which he is licensed.

2. A person licensed pursuant to chapter 643 or 644 of NRS if the massage therapy is limited to the head, neck, hands, feet or shoulders of a person.

3. A trainer of an athlete or athletic team while practicing massage therapy in the course of his employment.

4. A person who practices massage therapy as an employee of an athletic department of any high school, college or university in this state.

5. A person who massages a client in a licensed house of prostitution.

6. A person who engages in the practice of reflexology.

As used in this subsection, "reflexology" means the science which is based on the principle that reflexes exist in the feet and hands which correspond to each gland, organ and other part of the body, and involves the use of the

thumb and fingers on these reflexes to relieve stress, improve the blood supply, unblock nerve impulses and help produce a homeostatic condition within the body.

Sec. 9. Any license issued pursuant to this chapter is a revocable privilege and the holder of such a license does not acquire thereby any vested right.

Sec. 10. 1. The board of massage therapists, consisting of seven members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) Two members who:

(1) Are licensed as massage therapists in this state or eligible for licensing pursuant to this chapter;

(2) Have completed 1,000 hours of instruction in the practice of massage therapy; and

(3) Reside in the county of Washoe, Storey, Douglas, Lyon, Churchill, Pershing, Humboldt, Lander, Elko, Eureka, Mineral or White Pine or Carson City.

(b) Two members who:

(1) Are licensed as massage therapists in this state or eligible for licensing pursuant to this chapter;

(2) Have completed 1,000 hours of instruction in the practice of massage therapy; and

(3) Reside in the county of Lincoln, Nye, Esmeralda or Clark.

(c) Two members from the following list, each of whom represent a different profession:

(1) A chiropractor licensed pursuant to chapter 634 of NRS;

(2) A physician licensed pursuant to chapter 630 of NRS;

(3) A physical therapist licensed pursuant to chapter 640 of NRS; and

(4) A registered nurse licensed pursuant to chapter 632 of NRS.

(d) One member who is a representative of the general public.

3. Each member of the board must be a high school graduate or possess a general equivalency diploma.

4. All members of the board, except the representative of the general public, must have at least 4 years of experience in their respective professions and continue to practice that profession while they are members of the board.

5. No member of the board may serve more than two consecutive terms.

6. The governor may remove any member of the board for incompetency, neglect of duty, gross immorality or malfeasance in office.

7. Five members of the board constitute a quorum.

8. No member of the board may be held liable in a civil action for any act which he performs in good faith in the execution of his duties pursuant to this chapter.

Sec. 11. The board shall:

1. Annually elect a chairman and a secretary from its members.

2. Meet at least twice each year and may meet at other times at the call of the chairman or a majority of the members.

Sec. 12. 1. A member of the board is entitled to receive a salary of not more than $80 per day, as fixed by the board, while engaged in the business of the board.

2. Each member and employee of the board is entitled to receive a per diem allowance and the travel expenses at a rate fixed by the board, while engaged in the business of the board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 13. The board shall:

1. Review and evaluate applications for licensing submitted pursuant to this chapter;

2. Determine the qualifications and fitness of applicants;

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

4. Investigate any complaints filed with the board;

5. Impose any penalties it determines are necessary for the administration of the provisions of this chapter;

6. Adopt regulations necessary to carry out the provisions of this chapter;

7. Adopt a code of ethics governing the practice of massage therapy; and

8. Transact any other business necessary to carry out its duties.

Sec. 14. 1. The board shall keep a record of:

(a) Its proceedings; and

(b) Each person who applies for or is issued a license pursuant to this chapter.

2. The board shall adopt regulations which specify the information which must be included in those records.

Sec. 15. The board may:

1. Maintain offices in as many locations in the state as it considers necessary to carry out the provisions of this chapter.

2. Employ attorneys, investigators and other professional consultants and clerical personnel necessary to carry out its duties.

Sec. 16. 1. Except as otherwise provided in section 36 of this act, the records of the board must be available for inspection by the public during the regular business hours of the board.

2. The board shall, upon written request, prepare a copy of any record requested and charge a fee to cover the cost of copying the record.

3. If the board maintains more than one office, it shall designate an office where the records of the board must be maintained and available for inspection.

Sec. 17. The board shall operate on the basis of a fiscal year beginning on July 1 and ending on June 30.

Sec. 18. 1. The board shall receive and account for all money paid to the board and deposit it in banks, credit unions and savings and loan associations in the state.

2. The compensation and expenses of the members and employees of the board and the expenses of administering the provisions of this chapter must be paid from the fees received by the board upon approval of the board.

Sec. 19. 1. An applicant for a license to practice as a massage therapist must:

(a) Be at least 18 years old.

(b) Be of good moral character.

(c) Submit to the board:

(1) A completed application;

(2) A complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report;

(3) The fees required pursuant to section 22 of this act; and

(4) Proof that he has:

(I) Successfully completed at least 500 hours of instruction in a program of massage therapy approved by the board; or

(II) Practiced massage therapy in another jurisdiction for at least 3 years immediately preceding the date he submits his application for a license to the board.

(d) Pass an examination prescribed by the board.

2. The program of massage therapy described in subparagraph (4) of paragraph (c) of subsection 1:

(a) Must include instruction in:

(1) Anatomy and physiology;

(2) The theory and history of massage; and

(3) Techniques and practices of massage.

(b) May also include instruction in:

(1) Hygiene and first aid;

(2) Ethical practices and the laws and regulations of this state relating to massage therapy;

(3) Hydrotherapy;

(4) Pathology;

(5) Kinesiology; and

(6) Cardiopulmonary resuscitation.

3. The board may exchange with the central repository for Nevada records of criminal history or the Federal Bureau of Investigation any information relating to the fingerprints submitted.

4. When a report from the Federal Bureau of Investigation is received by the central repository for Nevada records of criminal history, it shall immediately send a copy of the report to the board.

Sec. 20. 1. An applicant for a license to practice as a massage practitioner must:

(a) Be at least 18 years old.

(b) Be of good moral character.

(c) Submit to the board:

(1) A completed application;

(2) A complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report;

(3) The fees required pursuant to section 22 of this act; and

(4) Proof that he holds a license to practice massage therapy issued by a local government in this state which is in effect on July 1, 1991.

2. The board may exchange with the central repository for Nevada records of criminal history or the Federal Bureau of Investigation any information relating to the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the central repository for Nevada records of criminal history, it shall immediately send a copy of the report to the board.

Sec. 21. 1. The examination required pursuant to section 19 of this act must include such subjects as the board deems necessary to determine the applicant's qualifications. If an applicant is unable to understand English, the board may conduct the examination in a language which the applicant understands.

2. The board shall offer the examination not less than twice each year and at such other times as it deems necessary.

3. The name of the applicant must not appear on the examination and the applicant must be identified by a number assigned to him by the secretary of the board.

4. All examinations and the records relating to them must be filed with the secretary of the board and retained for at least 5 years.

5. If an applicant fails the examination, he may be re-examined upon resubmission of his application and the fee required pursuant to section 22 of this act.

Sec. 22. 1. The board shall charge and collect fees not to exceed the following amounts:

| | |
|---|---|
| Application for a license to practice massage therapy | $50 |
| Examination for a license to practice massage therapy | 50 |
| Re-examination for a license to practice massage therapy | 50 |
| Issuance of a license to practice massage therapy | 100 |
| Biennial renewal of a license to practice massage therapy | 200 |
| Reinstatement of a revoked license to practice massage therapy | 200 |
| Annual renewal of an inactive license | 50 |
| License to practice massage therapy without an examination | 150 |

2. The board shall prorate the fees set forth in subsection 1 for each full month which remains from the issuance of the license to the expiration of the license.

Sec. 23. A license to practice massage therapy expires 2 years after the license is issued.

Sec. 24. The board may issue a license to practice as a massage therapist without an examination to a person who:

1. Is at least 18 years old;

2. Holds a license to practice massage therapy in a state whose licensing requirements at the time the license was issued:

(a) Included a provision requiring an applicant for licensure to pass an examination which included a written part and a practical part; and

(b) Are deemed by the board to be substantially equivalent to the requirements set forth in this chapter; and

3. Submits to the board:

(a) A completed application; and

(b) The fees required pursuant to section 22 of this act.

Sec. 25. 1. Except as otherwise provided in section 26 of this act, a person may renew his license before it expires by submitting to the board:

(a) A completed renewal application;

(b) The fee for renewal required pursuant to section 22 of this act; and

(c) Proof of his completion of the requirements for continuing education as prescribed by the board, within the 24 months immediately preceding the renewal of his license.

2. The board shall adopt regulations prescribing the requirements for approval of continuing education.

Sec. 26. 1. If a person who is licensed to practice massage therapy pursuant to this chapter fails to comply with the requirements for the renewal of his license within 60 days after his license expires, the board shall send a notice to that effect by certified mail, return receipt requested, to the person at his last known address according to the records of the board. If he does not renew the license within 30 days after he receives the notice, the board shall immediately revoke the license without further notice or a hearing.

2. A person whose license is revoked pursuant to subsection 1 may apply to the board for reinstatement of his license if he:

(a) Submits a completed application for reinstatement;

(b) Pays the renewal fees for the period the license was revoked and the fee for reinstatement of a license; and

(c) Submits, if required, proof of his completion of the requirements for continuing education for the period the license was revoked or passes an examination deemed necessary by the board.

Sec. 27. 1. Upon written request to the board and payment of the fee required pursuant to section 22 of this act, a person who is licensed to practice massage therapy in this state may have his name and license transferred to an inactive list for a period not to exceed 4 consecutive years. The person shall not practice massage therapy during the time his license is inactive. If the person wishes to resume the practice of massage therapy, the board shall reactivate the license upon the:

(a) Completion of an application for reactivation of the license;

(b) Payment of the fee for the renewal of the license; and

(c) Demonstration, if deemed necessary by the board, that the person is qualified and competent to practice.

2. Any license which remains inactive for more than 4 consecutive years is deemed revoked 4 years after the date the license was transferred to inactive status.

3. The board may adopt such regulations as it deems necessary to carry out the provisions of this section, including, without limitation, regulations governing the renewal of inactive licenses and any requirement of continuing education for persons whose licenses have been inactive.

Sec. 28. A person licensed pursuant to this chapter may practice massage therapy on a person of any age or gender at any time.

Sec. 29. The board may initiate disciplinary action against a person licensed pursuant to this chapter if he:

1. Is habitually drunk or is addicted to the use of a controlled substance.

2. Is convicted of violating any state or federal law relating to controlled substances.

3. Is, in the judgment of the board, guilty of immoral or unprofessional conduct.

4. Is convicted of any crime involving moral turpitude.

5. Is guilty, in the judgment of the board, of gross negligence in his practice of massage therapy which may be evidenced by claims of malpractice settled against him.

6. Obtains or attempts to obtain a license by fraud or material misrepresentation.

7. Is declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

8. Employs an unlicensed massage therapist or massage practitioner or a massage therapist or massage practitioner whose license has been suspended.

9. Has had his license to practice massage therapy suspended, revoked or in any way limited by another jurisdiction.

10. Is determined to be professionally incompetent by the board.

11. Engages in false, deceptive or misleading advertising.

12. Engages, offers to engage or attempts to engage a client in any sexual activity, including any touching of the client's genitals while providing massage therapy to the client.

13. Violates any provision of this chapter or any regulations adopted pursuant thereto.

Sec. 30. 1. The board or any of its members who become aware of any ground for initiating disciplinary action against a person who is licensed pursuant to this chapter shall, and any other person who is so aware may, file a written complaint with the board.

2. The complaint must specifically:

(a) Set forth the relevant facts; and

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

3. As soon as practicable after the filing of the complaint, the board shall fix a date for a hearing on the matter. The date must not be later than 30 days after the complaint is filed, except that the date may be extended upon agreement of the person against whom the complaint is filed and the board.

4. The board shall:

(a) Notify the person that a complaint against him has been filed;

(b) Inform him of the date, time and place set for the hearing; and

(c) Include a copy of the complaint with the notice.

5. The notice and complaint may be served on the person by delivery to him personally or by registered or certified mail to him at his last known address.

Sec. 31. 1. The person against whom the complaint is filed:

(a) May appear in person or through the representation of legal counsel;

(b) Must be given adequate opportunity to confront any witness against him;

(c) May testify and introduce the testimony of witnesses in his behalf; and

(d) May submit arguments and briefs in person or through his counsel.

2. The board shall issue its decision within 30 days after the hearing.

3. The failure of the person charged to attend his hearing or defend himself must not delay and does not void the proceedings. The board may, for good cause shown, continue any hearing from time to time.

Sec. 32. 1. The board or any member thereof may issue subpenas for the attendance of witnesses and the production of books and papers.

2. The district court, in and for the county in which any hearing is held, may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued pursuant to subsection 1.

3. If any witness refuses to attend or testify or produce any books or papers required by a subpena, the board may file a petition ex parte with the district court, setting forth that:

(a) Notice has been given of the time and place for the attendance of the witness or the production of the books or papers;

(b) The witness has been subpenaed in the manner prescribed by this chapter;

(c) The witness has failed or refused to attend or produce the books or papers required by the subpena before the board in the cause or proceeding named in the subpena, or has refused to answer questions propounded to him in the course of the hearing; and

(d) The board therefore requests an order of the court compelling the witness to attend and testify or produce the books or papers before the board.

4. The court, upon such a petition, shall enter an order directing the witness to appear before the court at a time and place fixed by the court in the order, and then and there to show cause why he has not attended or testified or produced the books or papers before the board. The time may not be more than 10 days after the date of the order. A certified copy of the order must be served upon the witness.

5. If the court determines that the subpena was regularly issued by the board, the court shall thereupon enter an order that the witness appear

before the board at the time and place fixed in the order, and testify or produce the required books or papers. Failure to obey the order is a contempt of the court which issued it.

Sec. 33. Each witness who appears by order of the board is entitled to receive for his attendance the same fees and mileage allowed by law to a witness in a civil case. The amount must be paid by the party who requested the subpena. If any witness, who has not been required to attend at the request of any party, is subpenaed by the board, his fees and mileage must be paid from the money of the board.

Sec. 34. 1. The board may, in any hearing before it, cause the depositions of witnesses to be taken in the manner prescribed for depositions in civil actions in this state.

2. The district court in and for the county in which any hearing is held by the board shall, upon the application of the board, issue a commission to another state for the taking of evidence in that state for use in any proceeding before the board.

Sec. 35. 1. If the board finds the person guilty as charged in the complaint, it may:

(a) Place the person on probation for a specified period or until further order of the board;

(b) Administer to the person a public or private reprimand;

(c) Suspend the license of the person to practice massage therapy for a specified period or until further order of the board;

(d) Revoke the license of the person to practice massage therapy; or

(e) Impose a fine of not more than $5,000 which must be deposited with the state treasurer for credit to the state general fund,

or any combination thereof.

2. The order of the board may contain such other terms, provisions or conditions as the board deems proper.

Sec. 36. 1. Any records or information obtained during the course of an investigation by the board and any record of the investigation are confidential until the investigation is completed. Upon completion of the investigation the information and records are public records, only if:

(a) Disciplinary action is imposed by the board as a result of the investigation; or

(b) The person regarding whom the investigation was made submits a written request to the board asking that the information and records be made public records.

2. This section does not prohibit the board from providing any such records or information to another licensing board or any agency, including a law enforcement agency, which is investigating a person licensed pursuant to this chapter.

Sec. 37. If the board revokes or suspends a license for a specified period, the holder of the license may apply for a rehearing within 10 days after the revocation or suspension occurs.

Sec. 38. A person whose license is revoked may not apply for reinstatement of his license before 1 year after the date his license is revoked. The board may accept or reject the application and require successful completion of an examination as a condition of reinstatement.

Sec. 39. A person who is not licensed pursuant to this chapter to practice massage therapy or whose license has been suspended or revoked by the board or has expired and who uses in connection with his name the words or letters "L.M.T.," "licensed massage therapist," "licensed massage practitioner," "L.M.P.," "massage practitioner," "massage therapist" or any other letters, words or insignia indicating or implying that he is a licensed massage therapist, or who in any other way, orally, or in writing, or in print, by sign, directly or by implication, uses the word "massage" or represents himself as a licensed massage therapist, is guilty of a misdemeanor.

Sec. 40. 1. A violation of this chapter by a person unlawfully representing himself as a massage therapist may be enjoined by a district court upon petition by the board. In any such proceeding it is not necessary to show that any person is individually injured.

2. If the person is found guilty of misrepresenting himself as a massage therapist or massage practitioner, the court shall enjoin him from making such representations unless and until he has been licensed. The procedure in such a proceeding must be the same as for any other application for an injunction.

3. The remedy of an injunction is in addition to any applicable criminal prosecution and punishment.

Sec. 41. A person who makes a willfully false oath or affirmation in any case in which an oath or affirmation is required by this chapter or who obtains or attempts to obtain a license by any fraudulent representation, is guilty of a misdemeanor.

Sec. 42. 1. The board shall investigate every alleged violation of this chapter coming to its notice and shall report to the proper district attorney all cases that in the judgment of the board warrant prosecution.

2. If any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, the district court of any county, on application of the board, may issue an injunction or any other order restraining such conduct. Proceedings pursuant to this subsection must be governed by Rule 65 of the Nevada Rules of Civil Procedure, except that no bond or undertaking may be required in any action commenced by the board.

Sec. 43. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. If any of the persons listed in subsection 2 suspects an instance of abuse, neglect or exploitation of an older person, he shall immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected or exploited, report his suspicion to:

(a) The local office of the welfare or aging services division of the department of human resources;

(b) Any police department or sheriff's office; or

(c) The county's office for protective services, if one exists in the county where the suspected action occurred.

If the report of abuse, neglect or exploitation involves an act or omission of the welfare division, aging services division or a law enforcement agency, the report must be made to an agency other than the one alleged to have committed the act or omission. Each agency, after reducing the report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

2. Reports must be made by:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatrist, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, *massage therapist or practitioner,* alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state, who examines, attends or treats an older person who appears to have been abused, neglected or exploited.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect or exploitation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every clergyman, practitioner of Christian Science or religious healer, unless he acquired the knowledge of abuse, neglect or exploitation from the offender during a confession.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every attorney, unless he has acquired the knowledge of abuse, neglect or exploitation from a client who has been or may be accused of the abuse, neglect or exploitation.

(g) Any employee of the department of human resources.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

3. Every physician who, as a member of the staff of a hospital or similar institution, has reason to believe that an older person has been abused, neglected or exploited shall notify the superintendent, manager or other person in charge of the institution. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

4. A report may be filed by any other person.

5. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report within 3 working days.

6. If the investigation of the report results in the belief that the older person is abused, neglected or exploited, the welfare division of the department of human resources or the county's office for protective services may provide protective services to the older person if he is able and willing to accept them.

Sec. 44. NRS 218.825 is hereby amended to read as follows:

218.825 1. Each of the boards and commissions created by the provisions of chapters 623 to 625A, inclusive, chapters 628 to 644, inclusive, and chapters 654 and 656 of NRS *and sections 2 to 42, inclusive, of this act* shall engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all of its fiscal records once each year for the preceding fiscal year or once every other year for the 2 preceding fiscal years. The cost of the audit must be paid by the board or commission audited.

2. A report of each such audit must be filed by the board or commission with the legislative auditor and the director of the budget on or before December 1 of each year in which an audit is conducted. All audits must be conducted in accordance with generally accepted auditing standards and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

3. The legislative auditor shall audit the fiscal records of any such board or commission whenever directed to do so by the legislative commission. When the legislative commission directs such an audit, it shall also determine who is to pay the cost of the audit.

Sec. 45. NRS 353A.010 is hereby amended to read as follows:

353A.010 As used in this chapter, unless the context otherwise requires:

1. "Agency" means every agency, department, division, board, commission or similar body, or elected officer, of the executive branch of the state, except:

(a) A board or commission created by the provisions of chapters 623 to 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS [.] *and sections 2 to 42, inclusive, of this act.*

(b) The University of Nevada.

(c) The public employees' retirement system.

(d) The state industrial insurance system.

(e) The housing division of the department of commerce.

(f) The Colorado River commission.

2. "Director" means the director of the department of administration.

3. "Internal accounting and administrative control" means a method through which agencies can safeguard assets, check the accuracy and reliability of their accounting information, promote efficient operations and encourage adherence to prescribed managerial policies.

Sec. 46. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. A report must be made to an agency which provides protective services or to a law enforcement agency immediately, but in no

event later than 24 hours after there is reason to believe that a child has been abused or neglected. If the report of abuse or neglect of a child involves the acts or omissions of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the report must be made to a law enforcement agency.

(b) An agency which provides protective services or a law enforcement agency, the report must be made to and the investigation made by an agency other than the one alleged to have committed the acts or omissions.

2. Reports must be made by the following persons who, in their professional or occupational capacities, know or have reason to believe that a child has been abused or neglected:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatrist, medical examiner, resident, intern, professional or practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, *massage therapist or practitioner,* alcohol or drug abuse counselor, advanced emergency medical technician or other person providing medical services licensed or certified in this state;

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital;

(c) A coroner;

(d) A clergyman, practitioner of Christian Science or religious healer, unless he has acquired the knowledge of the abuse or neglect from the offender during a confession;

(e) A social worker and an administrator, teacher, librarian or counselor of a school;

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child;

(g) Any person licensed to conduct a foster home;

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer;

(i) An attorney, unless he has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect; and

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

3. A report may be made by any other person.

4. Any person required to report [under] *pursuant to* this section who has reasonable cause to believe that a child has died as a result of abuse or neglect shall report this belief to the appropriate medical examiner or coroner . [, who] *The medical examiner or coroner* shall investigate the

report and submit to an agency which provides protective services his written findings, which must include the information required [under] *pursuant to* the provisions of subsection 2 of NRS 432B.230.

Sec. 47. 1. The board of massage therapists shall issue a license to practice as a massage therapist without examination to any person who:

(a) Is at least 18 years old.

(b) Is of good moral character.

(c) Submits to the board before July 1, 1992:

(1) A completed application;

(2) A complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report;

(3) The fees required pursuant to section 22 of this act; and

(4) Proof that he has:

(I) Successfully completed at least 500 hours of instruction in a program of massage therapy described in section 19 of this act; or

(II) Been licensed as massage therapist by a local government in this state for at least 3 consecutive years immediately preceding July 1, 1991, and has performed at least 400 massages during each of the 3 years immediately preceding July 1, 1991.

2. The board may exchange with the central repository for Nevada records of criminal history or the Federal Bureau of Investigation any information relating to the fingerprints submitted.

3. When a report from the Federal Bureau of Investigation is received by the central repository for Nevada records of criminal history, it shall immediately send a copy of the report to the board.

4. The board shall adopt regulations prescribing the requirements concerning proof of compliance with the provisions of this section.

Sec. 48. 1. The board of massage therapists shall issue a license as a massage therapist to any person who:

(a) Is licensed as a massage practitioner pursuant to section 20 of this act; and

(b) Before July 1, 1992, passes an examination prescribed by the board pursuant to section 19.

2. The examination must consist of a written part and a practical part.

Sec. 49. As soon as practicable after October 1, 1991, the governor shall appoint to the board of massage therapists:

1. Two members whose terms expire on September 30, 1992.

2. Two members whose terms expire on September 30, 1993.

3. Three members whose terms expire on September 30, 1994.

Sec. 50. Any person who applies for a license as a massage practitioner pursuant to section 20 of this act must comply with the provisions set forth in that section on or before July 1, 1992.

Sec. 51. 1. Notwithstanding the provisions of this act, a person who practices massage therapy is not required to be licensed pursuant to the provisions of this act before July 1, 1992.

2. As used in this section, "massage therapy" has the meaning ascribed to it in section 7 of this act.

Sec. 52. Section 43 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

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

"An Act relating to massage; providing for the licensing and regulation of massage therapists and practitioners; creating the board of massage therapists; prescribing".

Assemblyman Elliott moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 540.

Amend section 1, page 1, by deleting lines 6 through 8 and inserting:

"(b) [The entire] *A portion of the* parcel of land bounded on the west by Carson Street, on the south by Fifth Street, on the east by Fall Street, and on the north by the sidewalk along the south fence of the capitol grounds [.] , *situated in a portion*".

Amend section 1, page 2, by deleting lines 13 through 16 and inserting:

"(d) The entire parcel of land [situated in Carson City, Nevada, described as:

All of] *bounded on the north by Fourth Street, on the west by Stewart Street, on the south by Fifth Street, and on the east by the abandoned right of way of Valley Street, also described as* block 39 of Sears [, Thompson and Sears subdivision] *Thomp-*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the Assembly join with the Senate in expressing wishes for a speedy recovery to President George Bush.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 432.

Amend sec. 2, page 2, by deleting line 30 and inserting: "639.1375 1. A registered nurse".

Amend sec. 2, page 2, by deleting lines 37 through 39 and inserting: "*and passes an examination administered by the board on the law relating to pharmacy.* The board may set a single".

Amend sec. 2, page 2, lines 43 and 44, by deleting: "[a registered nurse] *an advanced practitioner of nursing*" and inserting: "a registered nurse".

Amend sec. 2, page 2, line 46, by deleting "[registered]" and inserting "registered".

Amend sec. 2, page 2, line 48, by deleting "[registered]" and inserting "registered".

Amend sec. 2, page 3, line 2, by deleting "[registered]" and inserting "registered".

Amend sec. 2, page 3, line 4, by deleting "[registered]" and inserting "registered".

Amend sec. 2, page 3, lines 13 and 14, by deleting: "[registered nurse] *advanced practitioner of nursing*" and inserting: "registered nurse".

Amend sec. 2, page 3, lines 16 and 17, by deleting: "[a registered nurse] *an advanced practitioner of nursing*" and inserting: "a registered nurse".

Amend the bill as a whole by deleting sections 3 through 6.

Amend the title of the bill to read as follows:

"An Act relating to pharmacy; requiring a physician's assistant or registered nurse to pass an examination on the law relating to pharmacy before being authorized to dispense controlled substances, poisons, dangerous drugs or devices; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires physician's assistant or registered nurse to pass examination as condition of authorization to dispense controlled substances or dangerous drugs. (BDR 54-873)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Goetting and Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 399.

Amend section 1, page 1, line 2, by deleting "11," and inserting "12,".

Amend sec. 2, page 1, line 3, by deleting "*11,*" and inserting "*12,*".

Amend sec. 3, page 2, line 2, by deleting "*11,*" and inserting "*12,*".

Amend sec. 3, page 2, line 7, by deleting "*11,*" and inserting "*12,*".

Amend sec. 5, page 3, line 36, by deleting "*11,*" and inserting "*12,*".

Amend sec. 7, page 4, by deleting lines 13 and 14 and inserting: "*behalf, to commit any breach of the peace, in order to repossess the leased*".

Amend sec. 11, page 5, line 28, after "*who*" by inserting: "*willfully and intentionally*".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. *Unless the lease agreement with an option to purchase provides otherwise:*

*1. In addition to any penalty imposed pursuant to section 11 of this act, the lessor or his assignee is liable, except as otherwise provided in subsection 3, in civil suit to the customer for an amount equal to the actual damages resulting from a violation of a provision of sections 2 to 12, inclusive, of this act or 25 percent of the total cost to acquire ownership of the property under the lease agreement, whichever amount is greater. The court shall award the prevailing party in such an action attorney's fees and his costs of the action.*

*2. If the lessor commences a civil suit to enforce such a lease agreement, the customer may set off or counterclaim damages in the amount specified in subsection 1 for such a violation.*

*3. Such a civil penalty may not be imposed upon a lessor or his assignee unless:*

*(a) The customer has notified the lessor or, if applicable, his assignee in writing of the alleged violation; and*

*(b) The lessor or assignee does not correct the violation, if any, within 30 days after receiving the notice.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time and ordered to third reading.

Senate Bill No. 274.

Bill read second time and ordered to third reading.

Assembly Bill No. 458.

Bill read second time.

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

Amendment No. 362.

Amend section 1, page 1, by deleting lines 4 through 15 and inserting: "of this chapter. *The manager may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services.*

2. The manager and his [deputy] *deputies* are in the unclassified service of the state. *Each shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.*

3. The manager and his deputy [:

(a) Must] *for professional services must* each be a registered professional engineer pursuant to the provisions of chapter 625 of NRS or an architect licensed under the provisions of chapter 623 of NRS . [; and

(b) Shall each devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.] *The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of principles of administration and a working knowledge of principles of engineering or architecture as determined by the board.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 246:

YEAS—42.

NAYS—None.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymen Scherer and Pettyjohn.

Roll call on Assembly Bill No. 291:

YEAS—42.

NAYS—None.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 390.

Bill read third time.

Remarks by Assemblymen Spitler, Anderson, Gregory, Haller, Carpenter, Giunchigliani, Price and Sader.

Assemblymen Humke, Spitler and Lambert moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 390.

Roll call on Assembly Bill No. 390:

YEAS—33.

NAYS—Anderson, Elliott, Giunchigliani, Goetting, Haller, Norton, Porter, Price, Wendell Williams—9.

Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 408.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 408:

YEAS—42.

NAYS—None.

Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblymen Lambert, Stout and Porter.

Assemblyman Porter moved that Assembly Bill No. 459 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 522:

YEAS—42.

NAYS—None.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 524:

YEAS—42.

NAYS—None.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 542:

YEAS—40.

NAYS—None.

Not voting—Gregory, Spitler—2.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Assembly Bill No. 549:

YEAS—42.

NAYS—None.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 555:

YEAS—42.

NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 201, 246, 249, 291, 390, 408, 522, 524, 542, 549, 555, be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 40.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 40:

YEAS—40.

NAYS—None.

Not voting—Gregory, Spitler—2.

Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 65:

YEAS—42.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 142.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 142:

YEAS—42.

NAYS—None.

Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 253.

Bill read third time.

Remarks by Assemblymen Garner, Haller, Bache, Bergevin, Price and Giunchigliani.

Assemblymen Arberry, Callister and Evans moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 253.

Roll call on Senate Bill No. 253:

YEAS—26.

NAYS—Anderson, Arberry, Bache, Callister, Evans, Freeman, Giunchigliani, Haller, Johnson, Krenzer, Norton, Petrak, Price, Sader, Spitler, Myrna Williams—16.

Senate Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblymen Evans, Giunchigliani, Bennett, Freeman and Norton.

Conflict of interest declared by Assemblyman Bennett.

Roll call on Assembly Bill No. 448:

YEAS—38.

NAYS—Carpenter, Little, Pettyjohn—3.

Not voting—Bennett.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Evans moved that all rules be suspended and that Assembly Bill No. 448 be immediately transmitted to the Senate.

Motion carried unanimously.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 221, 233, 505; Assembly Joint Resolution No. 17; Senate Bill No. 323, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:08 p.m.

## ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Freeman, Arberry, Wendell Williams, Anderson, Bache, Petrak, Little, Porter and Giunchigliani:

Assembly Bill No. 665—An Act relating to employment practices; making various changes relating to the rights of employees; revising provisions governing the issuance of work permits to gaming employees; prohibiting any retaliatory disciplinary action against a gaming employee who discloses the improper action of a gaming licensee; prohibiting gaming licensees from interfering with or dictating the manner in which gratuities are distributed among gaming employees; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 666—An Act relating to industrial insurance; authorizing an industrial insurer to enter into an agreement for the preferred provision of services or goods; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 667—An Act relating to employment practices; prohibiting an employer from discriminating against an employee or prospective employee because he engages in a lawful activity which occurs outside the employer's premises during his nonworking hours; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 668—An Act relating to industrial insurance; increasing the deemed wage for real estate licensees; prohibiting the state industrial insurance system from collecting more than one premium for coverage of a person who holds more than one such license; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 669—An Act relating to occupational diseases; providing that the physical examination required of certain peace officers and fire fighters pursuant to statutes relating to occupational diseases must include a hearing test; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 670—An Act relating to residential confinement; authorizing justices of the peace and municipal judges to order residential confinement as punishment without the consent of the offender; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 671—An Act relating to gaming; permitting a nonprofit private, social or fraternal association to limit public access to a gaming establishment operated by the association; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 672—An Act relating to taxation; increasing the tax on the rental of transient lodging for the benefit of the state; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 673—An Act relating to taxation; requiring the imposition of a property tax by the larger counties and allowing all other counties to impose a tax for the prevention and suppression of criminal gang activity; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 674—An Act relating to trade practices; requiring a person who produces or stages certain public performances which include music or musical accompaniment to ensure that the advertisements for those performances indicate whether the music included in the performance is recorded or performed live; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 675—An Act relating to chiropractic; clarifying the definitions of "chiropractor" and "chiropractic physician" as synonymous; providing that the term "physician," as used in Nevada Revised Statutes, includes a chiropractic physician acting within the scope of his practice; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 676—An Act relating to the state contractors' board; revising the composition of the board; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 677—An Act relating to actions against insurers; allowing a claimant to recover damages from an insurer who fails to attempt

in good faith to settle a claim resulting from an insured's operation of a motor vehicle while under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 678—An Act relating to cosmetology; prohibiting the practice of any profession other than cosmetology in a cosmetological establishment; prohibiting the reproduction or alteration of a license issued by the board of cosmetology; requiring certain records of the board to be kept confidential; revising the grounds for disciplinary action; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 679—An Act relating to insurance; prohibiting an insurer from being subrogated to the rights of an underinsured motorist to recover benefits payable under the underinsured vehicle coverage; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 680—An Act relating to the commissioner of insurance; expanding his authority to regulate the conduct of insurers and ensure that the insurance business is conducted in a suitable manner; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 681—An Act relating to insurance; requiring each policy of insurance which provides coverage against the loss of a home or personal property within a home to provide full coverage of the cost to replace the home or personal property; requiring each such policy to include a statement which sets forth the cost to replace the home or personal property at the time the policy is issued; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 403.

Amend sec. 8, page 2, by deleting lines 20 through 22 and inserting: "community other than the units, including easements in favor of units or the common elements over other units;

2. In a planned community, any real estate within a planned community owned or leased by the association, other than a unit; and

3. All real and personal property owned or leased by the association.".

Amend sec. 10, page 2, lines 27 and 28, by deleting: "other real estate described in a declaration." and inserting: "real estate other than that unit.".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5. "Plan" means those items set forth in subsection 4 of section 63 of this act, including drawings of improvements which are filed with agencies which issue permits but do not need to be recorded.".

Amend the bill as a whole by adding a new section designated sec. 27.5, following sec. 27, to read as follows:

"Sec. 27.5. "Plat" means a map created in accordance with subsection 2 of section 63 of this act and chapter 278 or 278A of NRS which is recorded in the office of the county recorder of the county in which the real property is situated.".

Amend sec. 31, page 4, by deleting lines 14 and 15 and inserting:

"Sec. 31. "Residential use" means use as a dwelling or for personal, family or household purposes by ordinary customers, whether rented to particular persons or not. Such uses include marina boat slips, stable or agricultural stalls or pens, campground spaces or plots, parking spaces or garage spaces, storage spaces or lockers and garden plots for individual use, but do not include spaces or units primarily used to derive commercial income from, or provide service to, the public.".

Amend sec. 33, page 4, line 26, by deleting "filed with" and inserting "or in".

Amend sec. 34, page 4, by deleting lines 45 through 48 and inserting:

"Sec. 34. "Time share" means the right to use and occupy a unit on a recurrent periodic basis according to an arrangement allocating this right among various owners of time shares whether or not there is an additional charge to the owner for occupying the unit.".

Amend sec. 36, page 5, line 16, by deleting the period and inserting: "until that unit is conveyed to another person.".

Amend sec. 41, page 6, line 40, after "tions," by inserting: "the law of unincorporated associations,".

Amend sec. 43, page 7, by deleting lines 13 through 24 and inserting:

"(a) The commercial setting of the negotiations; and

(b) The effect and purpose of the contract or clause.".

Amend sec. 46, page 7, lines 39 and 40, by deleting: "1979, which was 230," and inserting "1982-1984".

Amend sec. 47, page 8, line 18, by deleting: "October 1, 1991." and inserting: "January 1, 1992.".

Amend sec. 47, page 8, lines 19 and 20, by deleting: "October 1, 1991." and inserting: "January 1, 1992.".

Amend sec. 49, page 8, line 31, by deleting "$100," and inserting "$500,".

Amend sec. 50, page 8, line 35, by deleting "(p)," and inserting "(r),".

Amend sec. 50, page 8, line 39, by deleting: "October 1, 1991;" and inserting: "January 1, 1992;".

Amend sec. 50, page 8, line 41, by deleting: "October 1, 1991," and inserting: "January 1, 1992,".

Amend sec. 51, page 8, line 44, by deleting: "October 1, 1991," and inserting: "January 1, 1992,".

Amend sec. 52, page 9, lines 4 and 5, by deleting: "October 1, 1991:" and inserting: "January 1, 1992:".

Amend sec. 52, page 9, line 7, by deleting: "October 1, 1991," and inserting: "January 1, 1992,".

Amend sec. 52, page 9, line 11, by deleting: "October 1, 1991," and inserting: "January 1, 1992,".

Amend sec. 52, page 9, line 15, by deleting "with chapter" and inserting: "with the applicable provisions of chapter".

Amend sec. 55, page 9, line 32, by deleting "1.".

Amend sec. 55, page 9, by deleting lines 40 through 45.

Amend sec. 56, page 10, line 13, after "balconies," by inserting: "pads and mounts for heating and air-conditioning systems,".

Amend sec. 59, page 11, line 13, by deleting "limited".

Amend sec. 59, page 11, line 36, by deleting: "file number and book" and inserting "recording data".

Amend sec. 60, page 11, line 48, by deleting: "file number and book" and inserting "recording data".

Amend sec. 61, page 13, line 5, by deleting "A" and inserting: "Except as otherwise provided in section 82 of this act, a".

Amend sec. 63, page 13, by deleting lines 44 through 46 and inserting:

"(a) The name and a survey of the area which is the subject of the plat;

(b) The approximate location and approximate dimensions of all real estate not subject to develop-".

Amend sec. 63, page 14, by deleting lines 45 and 46 and inserting:

"7. A declarant shall provide a general schematic plan of the planned unit development comprising its common-interest community with its initial phase of development. The declarant shall revise the plan with each subsequent phase.

8. Each plat must be certified by an independent professional land surveyor. Each plan must be certified by an independent professional engineer or architect.".

Amend sec. 64, page 15, line 21, after "must" by inserting: "convey it to the association or".

Amend sec. 71, page 17, line 26, by deleting "67 percent" and inserting "a majority".

Amend sec. 71, page 17, line 43, by deleting the period and inserting: "affected and the consent of a majority of the owners of the remaining units.".

Amend sec. 81, page 23, line 23, by deleting "resale certificates" and inserting "the information".

Amend sec. 81, page 23, by deleting lines 32 and 33 and inserting: "entities of the same type as the association;

(q) Direct the removal of vehicles improperly parked on property owned or leased by the association, pursuant to NRS 487.038; and

(r) Exercise any other powers necessary and proper for the governance".

Amend sec. 82, page 23, by deleting lines 39 through 45 and inserting: "this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries and are subject to the insulation from liability provided for directors of corporations by the laws of this state. The members of the executive board are required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.".

Amend sec. 82, page 24, after line 47, by inserting:

"8. When a member of an executive board is sued for liability for actions undertaken in his role as a member of the board, the association shall indemnify him for his losses or claims, and undertake all costs of defense, until and unless it is proven that he acted with willful or wanton misfeasance or with gross negligence. After such proof the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against the association, but may be recovered from persons whose activity gave rise to the damages.

9. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, and a fiduciary of an estate that owns a unit may be an officer or member of the executive board. In all events where the person serving or offering to serve as an officer or member of the executive board is not the record owner, he shall file proof of authority in the records of the association.

10. Within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by him, including:

(a) The original or a certified copy of the recorded declaration as amended, the association's articles of incorporation if the association is incorporated, bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

(b) An accounting for money of the association and financial statements from the date the association received money to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial condition prepared in accordance with generally accepted accounting principles.

(c) The association's money or control thereof.

(d) All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

(e) A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

(f) All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

(g) Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community.

(h) Any other permits and approvals issued by governmental bodies applicable to the common-interest community which are in force or which were issued within 1 year before the date on which units' owners other than the declarant took control of the association.

(i) Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

(j) A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown of the declarant's records.

(k) Contracts of employment in which the association is a contracting party.

(l) Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.".

Amend sec. 92, page 29, lines 13 and 14, by deleting: "Liens resulting from judgments against the association are governed by section 105 of this act.".

Amend sec. 93, page 29, line 17, by deleting "80 percent" and inserting "a majority".

Amend sec. 93, page 29, line 18, by deleting "80 percent" and inserting "a majority".

Amend sec. 93, page 29, by deleting line 27 and inserting: "cast at least a majority of the votes in the association, including a majority of".

Amend sec. 95, page 31, line 2, after "provide" by inserting: "to the extent reasonably available".

Amend sec. 101, page 34, by deleting lines 17 through 29 and inserting:

"(a) The association has caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of delinquent assessment, which states the amount of the assessments and other sums which are due in accordance with subsection 1 of section 100 of this act, a description of the unit against which the lien is imposed, and the name of the record owner of the units;

(b) The association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien, which contains the same information as the notice of delinquent assessment, but must also describe the deficiency in payment and the name and address of the person authorized by the association to enforce the lien by sale; and

(c) The unit's owner or his successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 60 days following the recording of the notice of default and election to sell.

2. The notice of delinquent assessment must be signed by the person designated in the declaration or by the association for that purpose, or if no one is designated, by the president of the association.

3. The period of 60 days begins on the first day following the later of:

(a) The day on which the notice of default is recorded; or

(b) The day on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his successor in interest at his address if known, otherwise to the address of the unit.".

Amend sec. 102, page 34, line 41, by deleting "state." and inserting: "state, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not.".

Amend sec. 103, page 35, line 23, after "recording of" by inserting: "the notice of delinquent assessment and".

Amend sec. 105, pages 35 and 36, by deleting lines 45 through 48 on page 35 and lines 1 through 30 on page 36, and inserting:

"Sec. 105. (Deleted by amendment.)".

Amend sec. 110, pages 38 and 39, by deleting lines 11 through 48 on page 38 and lines 1 through 44 on page 39, and inserting:

"3. The estimated number of units in the common-interest community.

4. Copies of the declaration, bylaws, and any rules or regulations of the association.

5. Any current balance sheet and a projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association. The budget must include, without limitation:

(a) A statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement; and

(b) The projected monthly assessment for common expenses for each type of unit.

6. A description of any services or subsidies being provided by the developer, not reflected in the budget.

7. Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating the fee.

8. The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

9. A statement that unless the purchaser or his agent has personally inspected the unit, that the purchaser may cancel, by written notice, the contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.

10. A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the common-interest community of which a declarant has actual knowledge.

11. Any current or expected fees or charges to be paid by units' owners for the use of the common elements and other facilities related to the common-interest community.".

Amend sec. 111, page 40, line 2, by deleting: "9, 10, 15, 16, 17, 18, and 19" and inserting: "8 and 11".

Amend sec. 112, page 40, by deleting lines 8 through 25 and inserting:

"1. The maximum number of units that may be created;

2. A statement of how many or what percentage of the units that may be created will be restricted exclusively to residential use, or a statement that no representations are made regarding restrictions of use;

3. A statement of the extent to which any buildings or other improvements".

Amend sec. 112, page 40, line 31, by deleting "7." and inserting "4.".

Amend sec. 112, page 40, line 35, by deleting "8." and inserting "5.".

Amend sec. 112, page 40, line 39, by deleting "9." and inserting "6.".

Amend sec. 112, page 40, line 44, by deleting "10." and inserting "7.".

Amend sec. 112, page 41, line 1, by deleting "11." and inserting "8.".

Amend sec. 112, page 41, line 6, by deleting "12." and inserting "9.".

Amend sec. 114, page 41, by deleting line 31 and inserting:

"2. This section applies only to a common-interest community comprised of a converted building or buildings containing more than 12 units that may be".

Amend sec. 115, page 41, line 34, by deleting "States," and inserting: "States or with the State of Nevada pursuant to chapter 119, 119A or 119B of NRS,".

Amend sec. 115, page 41, line 37, by deleting the period and inserting: "or the appropriate Nevada regulatory authority.".

Amend sec. 116, page 41, by deleting lines 44 through 47 and inserting: "sale. Unless the purchaser has personally inspected the unit, the purchaser may cancel, by written notice, the contract of purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.".

Amend sec. 117, pages 42 and 43, by deleting lines 18 through 48 on page 42 and lines 1 through 13 on page 43, and inserting: "any contract for sale of a unit, or otherwise before conveyance:

(a) A copy of the declaration (other than any plats and plans), the bylaws, and the rules or regulations of the association;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner; and

(c) The current operating budget of the association.

2. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than".

Amend sec. 121, page 45, line 6, after "will" by inserting "reasonably".

Amend sec. 121, page 45, between lines 18 and 19, by inserting:

"4. A warranty created by this section may be excluded or modified in the manner set forth in section 123 of this act.".

Amend sec. 131, page 48, line 8, by deleting: "*October 1, 1991,*" and inserting: "*January 1, 1992,*".

Amend sec. 135, page 50, by deleting lines 35 through 38 and inserting: "*need only comply with NRS 278.326 to 278.460, inclusive, 278.473 to 278.477, inclusive, 278.480 and*".

Amend the bill as a whole by adding a new section designated sec. 135.5, following sec. 135, to read as follows:

"Sec. 135.5. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 278.374 to 278.378, inclusive, [shall] *and section 63 of this act must* appear on a final map and may be combined where appropriate.".

Amend sec. 137, page 51, by deleting line 42 and inserting: "*278.462, 278.464 and 278.466.*".

Amend sec. 140, page 53, line 20, by deleting: "*October 1, 1991,*" and inserting: "*January 1, 1992,*".

Amend the bill as a whole by adding a new section designated sec. 140.5, following sec. 140, to read as follows:

"Sec. 140.5. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county, must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes [a] *:*

*(a) A* final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive [, and includes:

(a)] *;*

*(b) The certifications required pursuant to section 63 of this act; and*

*(c)* The same certificates of approval as are required under NRS 278.377 [; or

(b) Evidence that the] *or evidence that:*

*(1) The* approvals were requested more than 30 days before the date on which the request for filing is made [, and that the] *; and*

*(2) The* agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of the landowner.

4. The county recorder shall collect a fee of $50, plus 50 cents per lot or unit mapped, for the recording or filing of any final map, plat or plan. The fee must be deposited in the general fund of the county where it is collected.".

Amend the bill as a whole by adding a new section designated sec. 142, following sec. 141, to read as follows:

"Sec. 142. This act becomes effective on January 1, 1992.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 539.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

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

"An Act relating to motor vehicles; authorizing an eligible person to park a motor vehicle that displays".

Amend the summary of the bill to read as follows:

"Summary—Authorizes certain persons with special license plates for disabled veterans to park in spaces designated for handicapped persons. (BDR 43-990)".

Assemblyman Goetting moved the adoption of the amendment.

Remarks by Assemblyman Goetting.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

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

Amendment No. 385.

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

"Section 1. Section 5.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1413, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections.

1. On the Tuesday after the 1st Monday in May 1985, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for two offices of councilman and for municipal judge, department 2, must be nominated.

2. On the Tuesday after the 1st Monday in May 1987, and at each successive interval of 4 years, a primary municipal election must be held in the city at which time candidates for mayor, for two offices of councilman and for municipal judge, department 1, must be nominated.

3. The candidates for councilman who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from wards 2 and 4 must be nominated as provided in subsection 1, and the candidates from wards 1 and 3 must be nominated as provided in subsection 2.

4. If the city council has established an additional department or departments of the municipal court pursuant to section 4.010 of this charter, and, as a result, more than one office of municipal judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the city clerk not less than 30 days nor more than 40 days before the day of the primary election. If the last day for filing a declaration of candidacy falls on a Saturday, Sunday or legal holiday, the period for filing expires on the preceding business day at 5 p.m. The city clerk shall collect from each candidate, at the time of filing that candidate's declaration of candidacy, the filing fee which is prescribed by ordinance for that office. All of the filing fees which are collected by the city clerk must be paid into the city treasury.

6. If, at 5 p.m. on the last day for filing a declaration of candidacy, there is only one candidate for nomination for any office, that candidate must be declared elected for the term which commences on the day of the first regular meeting of the city council [after the Tuesday after the 1st Monday in June of that year,] *next succeeding the meeting at which the canvass of the returns is made,* and no primary or general election need be held for that office.

7. If, in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, he must be declared elected for the term which commences on the day of the first regular meeting of the city council [after the Tuesday after the 1st Monday in June of that year,] *next succeeding the meeting at which the canvass of the returns is made,* and no general election need be held for that office. If, in the primary election, no candidate receives a majority of votes which are cast in that election for the office for which he is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.".

Amend section 1, page 1, by deleting lines 19 and 20 and inserting: "respective duties on the day of the first regular meeting of the city council [after the Tuesday after the 1st Monday of June of that year.] *next succeeding the meeting at which the canvass of the returns is made.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 17.

Resolution read second time.

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

Amendment No. 517.

Amend the resolution, page 2, line 16, by deleting: "study required by" and inserting "provisions of".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 323.

Bill read second time.

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

Amendment No. 478.

Amend section 1, page 2, between lines 5 and 6, by inserting: "*The governing body of the hospital shall make available for public inspection each such contract and any records related to those purchases.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 45, 125, 126, 173, 376, 383, 394, 399; Assembly Concurrent Resolution No. 60; Senate Concurrent Resolutions Nos. 40, 41.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Clarence Ramsey, Mesdames Jean Ramsey, Kathleen Yasner, Messrs. Jason Yasner, Nick Lensch, Andy Zoich, Bob Stark and Mrs. Alberta Stark, Messrs. Jeff Dahl, Roy Lorser, Don Hewitt, Ray Kendall, Jim Cooney, Mss. Vicki Rossolo and Sue Williams.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lisa Kent, Kathy Perazzo and the following students from West End Elementary School, Fallon: Sonny Bhakta, Rebecca Bonebrake, Stephenie Brachney, Derek Brown, Dominick Burtt, Jared Laca, Than Ludlow, Scott Moretto, Joshua Muelo, Christinen Ogea, Megan Palmatier, Megan Pennock, Brandy Sexton, Regina Snooks, Vincent Vallejos, Katie Wolff, Tyana Fasano, David Wells, Jordan June, Candie Waller, Jesse Allen, Quinn Bishop, Erica Dahl, Justin Daniels, Lori Davis, Richard Demars, Maura Dockery, Renee Escobar, Crystal Flagg, Julene Gardner, Kevin Hendrix, David Herring, Jamie Laca, Jessica Meeks, Tasha Mills, Roberta Novak, Kristan Reid, Gavin Sorensen, Gina Sorensen, Matthew Thomas, Hayden Whitaker, Ferne Williams and Darian Wood.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 7, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 7, 1991

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our Father in Heaven, You are not a God of confusion, but of order in all that You have created. You sustain by natural laws. You have ordained government and civil laws that Your children might dwell together in peace. Bless these legislators as they work to legislate laws that would promote an orderly, peaceful and abundant life for all the citizens of this state. We pray in the name of Your beloved Son. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 573, 583, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 239, 256, 287, 304, 315, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 64.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 449, 454.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 25—Urging the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gibbons, Sader, Wendell Williams, Bayley, Porter, Elliott, Johnson, Gregory, Hardy, Petrak, Scherer, Anderson, Carpenter, Norton, Spriggs, Heller, Garner, Little, Giunchigliani, Myrna Williams, Marvel, Bennett, Krenzer, Kerns, Arberry, Callister, Evans, McGaughey, Bergevin, Freeman, Humke, Spitler, Goetting, Pettyjohn, Bache, Haller, McGinness, Lambert, Price, Wong, Dini and Stout:

Assembly Concurrent Resolution No. 65—Designating May 7, 1991, as "Hasty Team Day" and commending the volunteer work of the Washoe County Sheriff's Hasty Team.

WHEREAS, The Washoe County Sheriff's Hasty Team was organized in 1971 by a group of 12 persons already involved in Search and Rescue who thought there was a need to improve emergency care for victims of trauma caused by accidents; and

WHEREAS, The original 12 persons began an auto extrication team and now, 20 years later, the team has become proficient in swift-water rescue, SCUBA rescue, mine rescue and it will handle any rescue that requires specialized equipment and techniques; and

WHEREAS, Members of the Washoe County Sheriff's Hasty Team are all volunteers and, with the full support of their employers, have assisted with many traumatic rescues including the tragedy at Convict Lake in Mono County, California, in February of 1990; and

WHEREAS, Since beginning in auto extrication in 1971, the "Hasty Team" has averaged 175 calls a year, for a total of 3,325 calls over the past 20 years; and

WHEREAS, Although the "Hasty Team" receives support from the Sheriff's office for the repair and maintenance of its vehicles and equipment, the majority of financial support has come from private donations and from the generosity of service clubs; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Sixty-sixth Session of the Nevada Legislature pays special tribute to members of the Washoe County Sheriff's Hasty Team and hereby designates May 7, 1991, as "Hasty Team Day" in Nevada; and be it further

RESOLVED, That this legislative body commends all volunteers of the Washoe County Sheriff's Hasty Team for their dedication, compassion and service to the State of Nevada; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Washoe County Sheriff's Hasty Team.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblyman Gibbons.

Assemblyman Bache requested that Assemblyman Gibbons' remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this honorable body, I would like to take this opportunity to say that the Washoe County Hasty Team which is being honored here today was started, as you've already heard, in 1971 and this year, they are celebrating their 20th anniversary. There were originally 12 members who started this simply because they became genuinely interested in improving certain rescue type activities. They surveyed the community during the period of time when the TV show, "Emergency," was so very popular. To their surprise, there was no similar type of team effort and their interests were heightened by their desire to improve emergency care for victims of trauma caused by accidents either by automobiles or aircraft accidents.

None of the fire departments in the area did this type of response. They didn't want to. The group of 12 men decided to start their own auto extrication. They incorporated as the Washoe County Sheriff's Hasty Team and requested that Sheriff Bob Galli sponsor them.

The group remains today a totally volunteer force. They now number 36 members and two of the original members are here with us today. They are Chief Deputy Glen Vogler and Captain Ernie Jesch. Eight of the members are Deputy Sheriffs who also volunteer their time to this agency, and they commit approximately 4,000 volunteer hours each year just to training alone.

The groups response is activated by a pager system through the Sheriff's Office Dispatch Center. At first, all of the funds for this team came from private donations like the Kiwanis, the Sertomas, Lions and numerous other service clubs. Eventually, the Sheriff's Office started funding for purchase of three rescue trucks. Their contribution amounts to about $40,000 a year.

Since 1971, the team has also, as you have heard, become proficient in other specialized areas of rescue. Those include: swift-water rescue, scuba rescue and, of course, here in Nevada with the great number of mines that we have in the area, mine rescue. Also, they have a cold-water rescue and a dive rescue procedure. They have recently begun training in new areas of urban rescue since the San Francisco earthquake; high-rise rescue, building collapses and floods. They are also trained in survival skills, wilderness search-and-rescue and they are active in back country rescue efforts.

The team is known throughout the west and has been described as the best-equipped team on the West Coast. The team has responded to incidents outside of Washoe County and the State of Nevada. They played a significant role in the recovery operation resulting from the tragedy, not long ago, at Convict Lake down in Mono County, California. They operate throughout the state and they have participated in rescues in Nye County, Lyon County and even Visalia, California. Individuals within the team alternate duty on the rescue trucks. They rotate once a week to take their vehicles home from work and then back to work. The rescue trucks are available to respond 24 hours a day, seven days a week.

The most valuable benefactor the team enjoys is the support of the members and their employers. I think we have to say something about those employers who allow these members to be called to this program from their work. Without that support, of course, we would not have the availability of these members.

So, Mr. Speaker, under Order of Business 15, I would like now to introduce the members of the Washoe County Sheriff's Hasty Team. With me today are Scott Davis, to my left, and Deputy Terry Wilcox to my right. The members in the back include: Chief Deputy Glen Vogler, Captain Ernie Jesch, Lieutenant Jim Ganyon, Richard Dwyer and Mark Bell.

Resolution adopted unanimously.

Assemblyman Gibbons moved that all rules be suspended and that Assembly Concurrent Resolution No. 65 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Wendell Williams, Dini, Haller, Bache, Johnson, Krenzer, Spitler, Carpenter, Gibbons, Gregory, Hardy, Lambert, Evans, Price, Arberry, Porter, Kerns, Garner, Marvel, Stout, Elliott, Petrak, Bennett, Wong, Callister, McGaughey, Humke, Sader, Bergevin, Freeman, Spriggs, Heller, Norton, Scherer, Bayley, Anderson, Pettyjohn, McGinness, Goetting, Giunchigliani, Myrna Williams and Little:

Assembly Concurrent Resolution No. 66—Designating Tuesday, May 7, 1991, as Nevada Teachers' Day.

WHEREAS, Teachers personify America's belief that universal public education is a key to meeting the challenges of our changing world; and

WHEREAS, Teachers strive to make every classroom an exciting, productive place to learn and grow; and

WHEREAS, Teachers reach out to foster the well-being of each pupil, regardless of ability, social or economic background, race, ethnic origin or religion; and

WHEREAS, Teachers motivate individual pupils to find new directions in life and to reach high levels of achievement; and

WHEREAS, Teachers influence our lives long after our school days are only memories; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby designate Tuesday, May 7, 1991, as Nevada Teachers' Day and urge the residents of Nevada to observe this day by taking time to remember and salute the teachers who shape the future of our children and our communities across the United States; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Nevada State Education Association.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Anderson, Freeman, Gibbons, Krenzer, Elliott, Price and Petrak.

Assemblyman Bache requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I would like to take just a second to remind the members of this body that regardless of what your profession is in your real life, whether you are a rancher from Elko, an engineer from North Las Vegas, or a hot-shot attorney from Las Vegas, or the Speaker from Yerington, you are are here because sometime in your life you were affected by some teacher in a positive way. Nevada's teachers, just as America's teachers, have always stood up to the plate and stood up for the children.

We, as legislators, debate whether we are going to fund class-size or talk about segregation, what we are going to do for education from a number of ways. In the midst of all this confusion, decisions and controversy, teachers are still facing children every day. As we talk about statistics and some of the situations with children, teachers see firsthand what is going on with those children. We talk in committees about how children are sometimes abused, teachers see firsthand that every 47 seconds of a day a child is abused. We talk about poverty, teachers see firsthand that every 53 minutes a child becomes sick because he does not have enough to eat. As we deal with the homeless crises in our state, teachers see firsthand that every day 100,000 children are homeless. As we in the Education Committee talk about and try to address the dropout rate, teachers know that every eight seconds of a school day, a child actually drops out. As we deal with the violence that is now becoming more visible on our campuses, teachers know firsthand that every day 135 children bring guns to school.

So, I think it is very appropriate that we take this day to salute the people who are still standing tall even though we don't have all the answers in dealing with our children. I would urge my colleagues to adopt this resolution. Sometimes teachers have to be committed to doing some things with children that even their own families are not able to do for the children themselves. Mr. Speaker, I would encourage everybody to not take this resolution lightly but really give tribute and honor to the ones who really make a difference to the future of Nevada's children.

I would like to say that two sessions ago, when I got elected as the only teacher in this legislature, it was somewhat encouraging for education but now I am extremely proud to have four of my other colleagues here serving in these chambers who also work and understand the directions of education. I would like to really thank them for taking the challenge and coming forward also for the benefit of our children.

ASSEMBLYMAN ANDERSON:

Mr. Speaker, I rise in support of the resolution. I would be remiss not to stand and speak on my own profession. Classroom teachers, I was reminded the other evening, do the most important job. My wife, who teaches second grade, reminds me every day of the difficulties of her task when we talk on the telephone and I get to be down here and she is there grading papers. I know the difficulty of which she speaks. I know the time that she works for the children.

Mr. Williams' remarks remind us once again that although we are public servants, teachers work for children. It is children that they answer to. Every day and in every way, children come first for them. That is where their focus is. They may work for the public and be paid by the public but they work for the kids and that is the final line. Whether it is in the classroom or whether it is on the bus on the way to school, or whether it is the person in the secretarial office out front, the educational profession covers all gamuts of the school and each of them makes a child's life better.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. It gives me great pleasure to speak in favor of this resolution. If there is any group of people who are on the front lines of what is going on today, with the enormous growth that we are experiencing in our state and across the nation, and the attendant social problems as a result of the recession, and all the other things that are going on in our country, it is the teachers. I take my hat off to them.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I would like to rise in support of this resolution. You know, I can remember the time I was in school from the second grade when Mrs. Dougherty slapped the back of my wrist with a ruler for talking. Through high school and several instances there were teachers who made sure I was toeing the line. In fact, teachers are our role models and I think we owe a great deal—those of us who are parents—to say, "thank you," for teachers who take over that chore when we have been remiss and failed as parents to guide our children in the right direction.

You know, actually, the most memorable people in my life are teachers. I think other than my parents, of course, have given me the greatest direction from which I have gone. In fact, I can now blame them for everything that I am. I am an attorney, of course, and I am a politician and look what they have given me. Such a life. We do owe these teachers a great deal for what we become and we owe them even a greater deal for what they are going to give to our children and I would just like to say "thank you."

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. I, too, want to rise in support of this resolution and I also want to say thank you. Having raised four children in Nevada, I am truly grateful for the time and effort that the teachers in Nevada schools have given to my children. Names like Mrs. Bundren, Mrs. Christianson and Mrs. Wipple are part of our family. When the kids come home and talk about their teachers and talk about the effects on their lives, these people are truly loved by our family and I stand to say "thank you."

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I would just like to say that throughout the United States today, education is in a state of transition and a great deal of turmoil. I think that without the teachers, the whole system would be in a great deal of trouble. People out there in the trenches are the ones that are holding it together and it will be up to us to work very hard in trying to make things work in a much more improved manner. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in support of A.C.R. 66. It's kind of amazing to me the bonds, relationships and memories, as the resolution indicates, that we have for those teachers in our past. My father was in construction. We traveled around the country and I tested the patience of teachers in six states and eleven schools including the District of Columbia while I was growing up and going through school. In many of those schools, I still have fond memories. As a matter of fact, one of the teachers, a music teacher in Cheyenne, Wyoming, where I graduated, also taught some of the young people that we had the opportunity to see here a few weeks ago from Cheyenne who put on that show for us. Each time I am around where I went to school, last time I was in Cheyenne, I looked up that teacher and another one. When I was in Pennsylvania last year, I looked up three teachers from school there. One thing my mother mentioned after I had gotten into politics, and when she was still with us, I do not remember the teacher but I do remember the incident. My mother was called to school because apparently, I had not been paying enough attention to my studies, etc., and she commented that the teacher said that young

Bobby, as I was called then, pays attention to everybody's business but his own. I guess I am still doing that. It may have been prophetic but I certainly have fond memories. All of my children came up through our school system in the Clark County area and are very successful and I am very happy for us to be honoring the teachers today.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I rise in support of this resolution. For a guy that went through first grade, I don't know how many years ago, 60 some or something, and is a notch baby, I would like to say this. My teacher in the first grade, her name was Bessie I. Collins and to remember that for someone who is losing his memory is something. When you think about it, 180 days every year that our youngsters, my grandchildren and great grandchildren, will be attending school each year and they are in attendance with that teacher, how very important to the lives of those youngsters this teacher is. How important to the future of the State of Nevada the teachers are because they disseminate information, the education that is necessary to make real good people. I think very strongly about this and I think the love that parents have for the teachers is very important. I certainly support this amendment and thank you.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. Oftentimes, and I will make this very brief, when talking with students, we talk a lot about role models and we try to convince young people they need role models and adults need to be role models. We, as adults, must also view each other as role models and it is an honor for me today to present this Assembly Concurrent Resolution to one of my colleagues, the one who I can also say has worked and served as a role model not only to children but also to adults. She served as the president of the Clark County Classroom Teachers Association. She has been involved with the Governor's Commission on Educational Excellence, PTA and most recently, president of the Nevada State Education Association. If I can, I would ask my colleagues to join me in presenting this resolution to a person who is well-deserving and has done a lot for education and for children for many years, my colleague from Assembly District 9, Ms. Chris Giunchigliani.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I am very rarely at a loss for words, but thank you, very much. This resolution is not for me and as Wendell said, on behalf of the 13,000 members of the Nevada State Education Association which includes not just teachers but our support personnel, counselors, nurses, psychologists and so forth. Take a look around the room today and recognize that the person sitting next to you is not an enemy. They are here to advocate for our members and for the children. We appreciate you saying thank you to us as every state, I hope, is doing nationally, for it is National Teachers Day, but remember that as soon as there is adjournment, they will be talking with you about salaries, class-size reduction and every other factor that affects a school day. Please understand that it is an issue in advocacy and that we want to be liked as teachers as well. Thank you very, very much on behalf of the 13,000 members of the NSEA.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I think the resolution talks about how teachers may be only memories but I have one of my teachers who is not a memory because he is here every day and I am speaking about one of my favorite teachers, George Hawes. Some day I am going to ask him to grade me on how I am doing down here. Whether he has had a positive influence or not, you will have to decide that because I am the only member of this legislature who has one of his former teachers here. Today, I think it would be nice if we would recognize George with a little special applause. Thank you.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 66 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 67—Demanding that the Tahoe Regional Planning Agency restrict its activities concerning casino projects.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 80, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 398, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 682—An Act relating to mobile home parks; removing the requirement that mobile home parks have master meters for water service; requiring a landlord who changes from a master meter to individual meters to reduce the tenants' monthly rent to reflect that change; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 683—An Act relating to counties; authorizing a county to issue general obligation bonds for water projects; and providing other matters properly related thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 684—An Act relating to local governmental finances; authorizing counties to impose an excise tax on the use of water by cus-

tomers of suppliers that may receive water treatment services provided by a facility financed with proceeds of the tax; authorizing counties and public utilities to enter into agreements for the use of the water treatment services or the operation and maintenance of those facilities; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 685—An Act relating to taxation; authorizing certain counties to impose or increase specified taxes to provide for development of open-space land; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 686—An Act relating to excavations; requiring operators to mark subsurface installations with specific colors; requiring a person to determine the location of a subsurface installation before conducting an excavation or demolition; authorizing injunctive relief if a proposed excavation or demolition may cause serious physical harm or property damage; requiring the public service commission of Nevada to conduct hearings concerning certain violations; providing a civil penalty for certain violations; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 687—An Act relating to wildlife; allowing the board of wildlife commissioners to accept sealed bids for or auction two deer tags each year; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 688—An Act relating to district courts; requiring additional district judges in the eighth judicial district; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 689—An Act relating to the state public works board; transferring the buildings and grounds division of the department of general services to the state public works board; adding nonvoting members to the board; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 690—An Act relating to the Nevada athletic commission; authorizing the Nevada athletic commission to prescribe additional penalties for certain violations of a law or regulation concerning a contest or an exhibition of unarmed combat; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen McGinness, Dini, Carpenter, Stout, Marvel, Bergevin, Spriggs and Spitler:

Assembly Bill No. 691—An Act relating to motor vehicles; revising the provisions governing the registration fees for farm vehicles; and providing other matters properly relating thereto.

Assemblyman McGinness moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Haller, Anderson, Petrak, Scherer, Arberry, Norton, Stout, Little, Carpenter, Wong, Gregory, Price, Callister, Goetting, Lambert, Bache, Spitler, Pettyjohn, McGinness, Giunchigliani, Myrna Williams, Humke, Porter, Evans, Marvel, Gibbons, Bennett, Wendell Williams and Garner:

Assembly Bill No. 692—An Act relating to trade regulation; requiring the licensing and regulation of a person who sells an extended service contract for consumer products; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 449.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 454.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a bill (BDR 38-2114), requested by the Committee on Taxation, be introduced by individual assemblymen.

Remarks by Assemblyman Freeman.

Roll call on Assemblyman Freeman's motion.

YEAS—42.

NAYS—None.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman Evans moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2045), requested by the Committee on Ways and Means, be introduced by individual assemblymen.

Remarks by Assemblyman Evans.

Roll call on Assemblyman Evans' motion.

YEAS—41.

NAYS—Giunchigliani.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assemblyman Porter moved that Senate Bills Nos. 208, 219, 274, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 245 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 343:

YEAS—40.

NAYS—None.

Not voting—Heller, Marvel—2.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 391:

YEAS—42.

NAYS—None.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 528:

YEAS—41.

NAYS—Pettyjohn.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 343, 391, 528, be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 80, 384, 398, 438, 573, 583; Senate Bill No. 99, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Giunchigliani and Evans:

Assembly Bill No. 693—An Act relating to child care; requiring the director of the department of human resources to establish a plan for the provision of child care; imposing a tax on business activity in the state for the support of the programs adopted pursuant to the plan; providing penalties; making appropriations; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Taxation.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 62, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

| | |
|---|---|
| BERNIE ANDERSON | ERNEST E. ADLER |
| SCOTT SCHERER | R. HAL SMITH |
| JOHN L. NORTON | RONALD V. COOK |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 4.

Amend section 1, page 1, line 6, by deleting "*$2*" and inserting "*$1*".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 62.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 80.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 564.

Amend section 1, page 1, line 2, by deleting "$163,321" and inserting "$8,501,933".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, first line, by deleting "supplemental appropriations" and inserting: "a supplemental appropriation".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 563.

Amend section 1, page 1, line 2, by deleting "$102,800" and inserting "$92,800".

Amend section 1, page 1, line 5, by deleting "$98,000." and inserting "$88,000.".

Assemblyman Heller moved the adoption of the amendment.

Remarks by Assemblyman Heller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 573.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 583.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 458.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. The sheriff or chief of police of a city may establish and operate in each jail in his jurisdiction a commissary to sell to prisoners committed to the jail food, beverages, toiletries and such other items as may be approved by the sheriff or chief of police. The sheriff or chief of police may require prisoners committed to the jail to work in the commissary.*

*2. The sheriff or chief of police, or a person designated by him, shall:*

*(a) Keep accurate books and records of all transactions which take place at the commissary; and*

*(b) Submit reports of these books and records to the board of county commissioners or governing body of the city, as appropriate, at such times as may be required by the board or governing body.*".

Amend the title of the bill, second line, after "county" by inserting "or city".

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblyman Johnson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jamilla Morley.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Northway and Ms. Laurie Northway.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lorrayne Hall.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ann Larson.

On request of Assemblyman Bayley, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Cocks.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patsy Taylor.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cheryl Anderson.

On request of Assemblyman Callister, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lynn Vick.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Karen Agee and Pam Ridgway.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Terry Ann Stone.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joan Taylor.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Debora Alvarez.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Glen Vogler, Ernie Jesch, Jim Ganyon, Scott Davis, Richard Dwyer, Mark Bell and Terry Wilcox.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Valerie Waroway.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Young.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Fred Dailey.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Griffin Jones.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Mike Pointer, Chuck Fletcher and Randy Cahill.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. George Allen Hardaway.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carolyn Mastroianni.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Maryann Warren.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Beatrice Gagnon.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Smith.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Leah Brady.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marjorie Gray.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Floyd Mundt.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carolyn Morrison.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Annie Barclay.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Polly J. Brinkley and Sherl A. Doyle.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Betty Holmes.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Glavy.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Larry Roberts.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jean S. Newman.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Ella Holloway.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Greta Arnelia Peay and Cheryl Lynette Dowdell-Hall.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 8, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 8, 1991

Assembly called to order at 10:43 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Almighty God, omnipotent Father, You are our strength and our refuge. My prayer today is for these legislators. Their task is not an easy one and it is often a thankless one. I pray that You grant them the strength, courage and enthusiasm that they need and they would not grow weary in the work to which they have been elected. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 397.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 65, 66.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 62.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

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

Assembly in recess at 10:46 a.m.

### ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 458 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 35 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

By Assemblymen Evans, Callister, Little, Anderson, Bennett, Petrak, Freeman, Garner, Scherer, Spriggs, Price, Norton, Heller, Gregory, Johnson, Arberry, Marvel, Krenzer, Wendell Williams, Sader, Bayley, Elliott, Lambert, Myrna Williams, Carpenter, Wong, Hardy, Spitler, Pettyjohn, Kerns, Goetting, Stout, McGinness, Dini, Humke, Bergevin, McGaughey, Gibbons, Porter and Haller:

Assembly Concurrent Resolution No. 68—Commending educators from Nevada who have received awards from the Milken Family Foundation.

WHEREAS, The Foundations of the Milken Families are private philanthropic institutions organized in 1982; and

WHEREAS, In the past 8 years the Foundations of the Milken Families have awarded $112,000,000 in grants and commitments in support of education, community services, health care and medical research, human welfare and other areas; and

WHEREAS, Because the Foundations' core belief is that the future belongs to the educated, nearly one-fifth of their grants are for education; and

WHEREAS, In recognition of the importance of dedicated and innovative educators, the Milken Family Foundation established the "National Educator Awards Program"; and

WHEREAS, As of 1990, the Program had presented 198 individual prizes of $25,000 to outstanding educators in 13 states across the country; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Legislature of the State of Nevada hereby commend the 18 educators from Nevada who have been the recipients of the $25,000 awards from the Milken Family Foundation; and be it further

RESOLVED, That the following educators should be recognized and congratulated for their contributions to the children of this state: 1988 Award Recipients—Linda Bunch, Independence Valley Elementary, Elko County; Mike Edwards, Valley High School, Clark County; Anita Fisk, Pershing County High School, Pershing County; John Genasci, Sparks Middle School, Washoe County; Klaire Pirtle, Gardnerville Elementary, Douglas County; and Doris Shipp, Doris Reed Elementary, Clark County; 1989 Award Recipients—Francey Dennis, Silver Lake Elementary, Washoe County; Fred Horlacher, Reed High School, Washoe County; Patricia Rowe, Lovelock Elementary, Pershing County; Jennifer Salls, McQueen High School, Washoe County; Virgil Sestini, Bonanza High School, Clark County; and Wayne Tanaka, Del Robinson Junior High School, Clark County; 1990 Award Recipients—James Bryan, Sparks High School, Washoe County; Malinda Frazier, Lovelock Elementary, Pershing County; Bill Langley, St. Viator Elementary School of the Catholic Diocese, Clark County; Cynthia Montoya, James I. Gibson Elementary, Clark County; Steve Pellegrini, Yerington High School, Lyon County; and Joan Turner, Ruby Thomas Elementary, Clark County.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Anderson and Callister.

Assemblyman Haller requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Assembly colleagues, it is is an exciting day for all of us to be surrounded by so many distinguished educators. I was one of the people who came too late to learn about the Milken Family awards. I don't think our press, our media has been doing a very good job in giving a much deserved pat on the back to these folks because the Milken awards are really quite unique. They are very different. They don't just get a certificate or a plaque or a little statue of some kind, well yes they do get a statue, but, in addition to that, the Milken awards have been called the Nobel prize of education and for a very real reason.

Not only is there a rigorous selection process but there is a cash award, not a $5 check, but a $25,000 prize, and I can't think of people in our community more deserving than our educators. When we were passing the resolution around for signatures, and I thank you all for signing, a number of people asked the question, Milken, does that have anything to do with Michael Milken, the junk bond king? Kind of a familiar name. I would like to clarify that the Milken Family Foundation was established and operating well before one member of the family, indeed, became rather famous for his stock maneuvering. So, it is indeed a great pleasure for me today to bring to you and to have all of you welcome at your desk this distinguished group of educators.

We are three years in arrears because over the last three years, each of those years, Nevada has had not one, but six recipients each year. As the resolution states, over the last eight years, the foundation has awarded over $112 million to education.

I honor not only our teachers but I thank the Milken Foundation for doing something that is long overdue to putting this wonderful profession right at the top of the list where it belongs, because in the hands or our teachers, our educators, are our children. Mr. Speaker, I hope you and others will join with me today as we pay tribute to these fine people. In the future we will try not to get three years behind so we have a shorter list. To all of the award winners, your state is indeed proud of you. Keep up the good work.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. The people represented by the Milken scholarship or awards are good friends of mine. Many of them I have had the great privilege and honor of teaching with, John Genasci, Francey Dennis and with me today, at my desk, is Fred Horlacher.

If I can under Order of Business 15, I would like to talk about Fred because I think he is indicative of the kind of things that all these award recipients do for our students. If I may, Mr. Speaker.

Fred Horlacher, first of all, has been teaching in Washoe County for 32 years. He organized the group called the Ghost Towners' Club which brings high school students, and before that middle school students, junior high school students, out to Nevada to see what real life is like. These students become involved in every day activities. In the summer time, Fred gives up his time to teach teachers about Nevada's history, often leading four or five, even six expeditions, week-long expeditions, into Nevada's hinterland so that they can see on a firsthand basis. For 24 years, he has given up his summers to do this for Nevada's teachers so that they can bring back to their classrooms what real Nevada life is about.

Fred, indeed, like many of these other recipients is an inspiration. One of the things that plagues our profession is teacher burn-out. A week with Fred Horlacher burns out burn-out.

These people, these other Milken recipients, are an inspiration to our profession. They make us reach for where they are. They are the kind of teachers we all want to be. They are the inspiration of tomorrow. Fred, like John Genasci and Francey Dennis, set the golden example for all of us to follow. Thank you, Mr. Speaker.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I would like to rise in support of A.C.R. 68. It is my pleasure to have with me today one of the winners of the awards, Cynthia Montoya. I have been

chatting with her a little bit about it. She is from Southern Nevada and was able to develop a creative program at Ruby Thomas Elementary School, an elementary school with a significant Hispanic population, that basically allowed computerization of the library there. She is actually a librarian and I should note, the only librarian in the nation to win the Milken award. I am impressed with her and her background. Her efforts both in terms of bilingual education as well as education for the deaf at that institution.

I am particularly impressed that a librarian would win an award. If I could start my life over again, I think that is the job I would most covet, hang out with books, not people. I am impressed that we have this caliber of folks teaching in Nevada. I am impressed that we are able to win an award and I am impressed that the award is a sizeable cash award recognizing the creativity and hard work of our teachers. Additionally, she has promised to loan me 30 bucks till next Friday out of the $25,000, the real reason I am making these remarks.

Resolution adopted unanimously.

Assemblyman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 68 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:40 a.m.

## ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 625, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 694—An Act relating to controlled substances; requiring the court to impose restitution as part of the sentence of a person convicted of selling or distributing a controlled substance to provide for the cost of treatment of persons addicted to controlled substances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 695—An Act relating to gaming; exempting a person from the requirement of licensure or a determination of his suitability if his only contact with a licensed gaming establishment or state gaming licensee is a lease of real property for a fixed amount of money; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 696—An Act relating to controlled substances; authorizing counties to establish a program for deferred prosecution for certain crimes related to controlled substances; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 697—An Act relating to eminent domain; prescribing the manner of its exercise on behalf of certain systems of public transportation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 698—An Act relating to taxation; imposing a tax on certain activities, services and privileges relating to amusement, entertainment or recreation; requiring the department of taxation to deposit the tax collected in the state treasury for credit to the trust fund for class-size reduction; providing penalties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 699—An Act relating to the City of North Las Vegas; amending the charter of the City of North Las Vegas to authorize the city council to adopt ordinances prohibiting the use of buildings and structures for illegal activities; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblyman Stout.

Roll call on Assembly Bill No. 80:

YEAS—39.

NAYS—Bayley, Johnson, Little—3.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblymen Elliott, Callister, Freeman, Scherer and Porter.

Roll call on Assembly Bill No. 202:

YEAS—38.

NAYS—Gregory, Humke, Scherer, Wong—4.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 221:

YEAS—42.

NAYS—None.

Assembly Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Goetting.

Roll call on Assembly Bill No. 233:

YEAS—42.

NAYS—None.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 584.

Amend sec. 7, page 10, by deleting lines 26 through 33 and inserting:

"(i) An option issued by a clearing agency registered under the Securities".

Amend sec. 7, page 10, line 40, by deleting "(k)" and inserting "(j)".

Amend sec. 7, page 11, line 1, by deleting "(l)" and inserting "(k)".

Amend sec. 7, page 11, line 8, by deleting "(m)" and inserting "(l)".

Amend sec. 7, page 11, line 10, by deleting "(n)" and inserting "(m)".

Amend sec. 7, page 11, line 14, by deleting "(o)" and inserting "(n)".
Amend sec. 7, page 11, line 32, by deleting "(o)" and inserting "(n)".
Amend sec. 7, page 11, line 35, by deleting "(o)" and inserting "(n)".
Amend sec. 7, page 11, by deleting line 45 and inserting:
"5. An exemption provided by paragraph (c), (e) to (i), inclusive, or (k) of".
Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:
"Sec. 17. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1991.".
Assemblyman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblyman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 384.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 384:
YEAS—42.
NAYS—None.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 488.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Bill No. 488:
YEAS—42.
NAYS—None.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 505.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 505:
YEAS—40.
NAYS—Anderson, Scherer—2.

Assembly Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 573.
Bill read third time.
Remarks by Assemblymen Bergevin, Krenzer and Garner.

Roll call on Assembly Bill No. 573:

YEAS—36.

NAYS—Gibbons, Giunchigliani, Johnson, Krenzer, Myrna Williams, Wendell Williams—6.

Assembly Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 583.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 583:

YEAS—42.

NAYS—None.

Assembly Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Joint Resolution No. 17:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 80, 202, 221, 233, 384, 488, 505, 573, 583; Assembly Joint Resolution No. 17, be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 196.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 196:

YEAS—41.

NAYS—None.

Not voting—Anderson.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Senate Bill No. 208:

YEAS—42.

NAYS—None.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Senate Bill No. 219:

YEAS—41.

NAYS—None.

Not voting—Hardy.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 274:

YEAS—42.

NAYS—None.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 323.

Bill read third time.

Remarks by Assemblymen Krenzer, Pettyjohn, Garner, Freeman and Scherer.

Roll call on Senate Bill No. 323:

YEAS—40.

NAYS—Pettyjohn, Price—2.

Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 148, 153, 319, 336.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 98, 232, 325, 345, 355.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 15.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 625 and Senate Joint Resolution No. 9 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 211, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

| | |
|---|---|
| JOSEPH M. MCGINNESS | DEAN A. RHOADS |
| BOB L. KERNS | RAYMOND C. SHAFFER |
| JOSEPH JOHNSON | VIRGIL M. GETTO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 3.

Amend sec. 2, page 1, line 11, by deleting "It" and inserting: "[It] *Except as otherwise provided in subsection 2 of NRS 503.005, it*".

Amend sec. 2, page 1, line 12, by deleting "animals" and inserting "mammals".

Amend sec. 2, page 1, line 14, by deleting "*otherwise*" and inserting "otherwise".

Amend sec. 2, page 1, line 15, by deleting "animals" and inserting "mammals".

Amend sec. 2, page 2, line 1, by deleting "animals" and inserting "mammals".

Amend sec. 3, page 2, line 14, by deleting "animal," and inserting "mammal,".

Amend sec. 3, page 2, line 16, by deleting "animal," and inserting "mammal,".

Amend sec. 4, page 2, line 23, by deleting "animals" and inserting "mammals".

Amend sec. 4, page 2, line 25, by deleting "animals," and inserting "mammals,".

Amend sec. 4, page 2, line 27, by deleting "animals," and inserting "mammals,".

Amend sec. 4, page 2, line 29, by deleting "animals," and inserting "mammals,".

Amend sec. 4, page 2, line 30, by deleting "animals" and inserting "mammals".

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

"Sec. 10. Sections 2, 3 and 4 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman McGinness moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 211.

Remarks by Assemblyman McGinness.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 51.

The following Senate amendment was read:

Amendment No. 476.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the title of the bill to read as follows:

"An Act relating to forfeitures; authorizing the forfeiture of certain property used or intended to be used to violate certain laws of other jurisdictions; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes forfeiture of certain property used or intended to be used to violate certain laws of other jurisdictions. (BDR 14-217)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 51.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 71.

The following Senate amendment was read:

Amendment No. 412.

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

"Section 1. NRS 432B.180 is hereby amended to read as follows:

432B.180 The welfare division shall:

1. Administer any money granted to the state by the Federal Government under 42 U.S.C. § 5103;

2. Plan and coordinate all protective services provided throughout the state;

3. Provide directly or arrange for other persons or governmental organizations to provide protective services;

4. Coordinate its activities with and assist the efforts of any law enforcement agency, a court of competent jurisdiction and any public or private organization which provides social services for the prevention, identification and treatment of abuse or neglect of children;

5. Involve communities in the improvement of protective services;

6. Evaluate all protective services provided throughout the state and withhold money from or revoke the license of any agency providing protective services which is not complying with the regulations adopted by the welfare division; [and]

7. Evaluate the plans submitted for approval pursuant to NRS 432B.395 [.] *; and*

*8. Develop and distribute to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding.*".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 71.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 256.

The following Senate amendment was read:

Amendment No. 455.

Amend sections 3 and 4, page 2, by deleting line 15 and inserting:

"Sec. 3. NRS 104.1110 is hereby amended to read as follows:

104.1110 1. Transactions validly entered into before March 1, 1967, and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this chapter as though such repeal or amendment had not occurred.

2. Transactions validly entered into after March 1, 1967, and before July 1, 1975, which were subject to the provisions of this chapter before July 1, 1975, and which would be subject to the provisions of this chapter as amended effective July 1, 1975, if they had been entered into after July 1, 1975, and the rights, duties and interests flowing from such transactions remain valid after July 1, 1975, and may be terminated, completed, consummated or enforced as required or permitted by this chapter as amended effective July 1, 1975. Security interests arising out of such transactions which are perfected on July 1, 1975, shall remain perfected until they lapse as provided by this chapter as amended effective July 1, 1975, and may be continued as permitted by this chapter as amended effective July 1, 1975, except as stated in NRS 104.902.

*3. Rights and obligations that arose after March 1, 1967, and before October 1, 1991, under NRS 104.6101 to 104.6111, inclusive, Uniform Commercial Code—Bulk Transfers, remain valid and may be enforced as though those sections had not been repealed.*

Sec. 4. (Deleted by amendment.)".

Amend sec. 185, page 40, line 63, by deleting "182;".

Amend the title of the bill to read as follows:

"An Act relating to commercial transactions; repealing article 6 and adding article 4A of the Uniform Commercial Code; amending other sections to conform to the repeal and addition; and providing other matters properly relating thereto.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 256.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Scherer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 287.

The following Senate amendment was read:

Amendment No. 406.

Amend section 1, page 1, line 9, by deleting the semicolon and inserting: "*and:*

*(1) There are at least two outstanding warrants of arrest against the person; and*

*(2) The misdemeanor is discovered because there was probable cause for the arresting officer to stop, detain or arrest the person for another alleged violation or offense;*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 287.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 304.

The following Senate amendment was read:

Amendment No. 486.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 1, by deleting line 18 and inserting "5.073 The".

Amend sec. 2, page 1, by deleting lines 21 and 22 and inserting: "cases . [, except that an] *An* appeal perfected transfers the action to the district court for trial anew [.] , *unless the municipal court is designated as a court of record as provided in NRS 5.010.* The municipal court must be treated and considered as a".

Amend sec. 3, page 2, by deleting lines 1 through 4 and inserting:

"266.595 Appeals to the district court may be taken from any final judgment of the municipal court in [the same manner and with the same effect as appeals from justices' courts in civil or criminal cases, as the case may be.] *accordance with the provisions of NRS 5.073.*".

Amend the title of the bill to read as follows:

"An Act relating to municipal courts; prohibiting a trial anew on appeal to a district court if the municipal court is a trial of record; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits trial anew on appeal from municipal court to district court if municipal court is court of record. (BDR 1-758)".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 304.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 315.

The following Senate amendment was read:

Amendment No. 487.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A board of county commissioners or the governing body of an incorporated city may collect an administrative fee from each prisoner, sentenced to confinement in a county or city jail or detention center, including a prisoner sentenced as a condition of probation, whose sentence is served intermittently on days other than his regular days of employment. The amount of the fee must be set at $25 for each day served. A prisoner serving such a sentence shall pay toward the fee according to his ability to pay.*

*2. The court, if it grants the application of a defendant to serve his sentence intermittently, shall:*

*(a) Establish the conditions of the intermittent sentence; and*

*(b) Direct whether the fee is to be paid weekly or monthly. In either case, the fee must be paid for each period until the sentence has been served.*

*3. Fees received pursuant to this section must be deposited in the county or city treasury for disposition according to the ordinance establishing them.*

*4. If a prisoner fails to pay the fee, the board of county commissioners or governing body of the incorporated city may apply to the court for judgment for the arrears and the amount to accrue. The judgment may be enforced by execution but not as contempt of court.*

*5. During the pendency of such a judgment, the defendant may petition the court to modify or vacate it on the ground that his ability to pay has changed. The court shall so inform the defendant when the judgment is rendered.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 315.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 318.

The following Senate amendments were read:

Amendment No. 304.

Amend sec. 10, page 3, line 32, by deleting the colon and inserting: "who is sentenced to a term of imprisonment in a local detention facility before October 1, 1991:".

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

"Sec. 11. Section 2 of Assembly Bill No. 68 of this session is hereby amended to read as follows:

Sec. 2. 1. For each month in which a prisoner who is sentenced to a term of imprisonment in a local detention facility:

(a) Appears by the reports required by NRS 211.150, to have been obedient, orderly and faithful, the sheriff of the county or the chief of police of the municipality in which the prisoner is incarcerated may deduct not more than 5 days from the term of imprisonment of the prisoner.

(b) Diligently performs his assigned work, the sheriff or chief of police may deduct:

(1) Not more than 10 additional days if his term of imprisonment is 270 days or more;

(2) Not more than 7 additional days if his term of imprisonment is 180 days or more but less than 270 days;

(3) Not more than 5 additional days if his term of imprisonment is 30 days or more but less than 180 days;

(4) Not more than 3 additional days if his term of imprisonment is 15 days or more but less than 30 days; and

(5) No additional days if his term of imprisonment is less than 15 days.

2. Deductions earned under subsection 1 for any period which is less than 1 month must be credited on a pro rata basis.

3. If, while incarcerated, a prisoner:

(a) Commits a criminal offense;

(b) Commits an act which endangers human life; or

(c) Intentionally disobeys a rule of the facility [,] *or fails to return from assigned work within an allotted time,*

all or part of any deductions the prisoner has earned under this section may be forfeited as the sheriff or chief of police determines. Before any forfeiture may occur, the prisoner must be given reasonable notice of the alleged misconduct for which the forfeiture is sought and an opportunity for a hearing on that misconduct.

4. The provisions of this section apply to any prisoner who is sentenced to a term of imprisonment in a local detention facility on or after October 1, 1991:

(a) Pursuant to a judgment of imprisonment or a fine and imprisonment; or

(b) For a definite period for contempt in any proceeding which is not a criminal proceeding.

5. As used in this section, "term of imprisonment" means the total number of days a prisoner is incarcerated in the facility, including, unless the court otherwise orders at his sentencing hearing, the time he actually spent in confinement from the date of his arrest to the date on which his sentence begins.

Sec. 12. Sections 10 and 11 of this act become effective at 12:01 a.m. on October 1, 1991.".

Amendment No. 373.

Amend sec. 9, page 3, line 22, by deleting the comma and inserting: "or as otherwise provided in sections 2 to 7, inclusive, of [this act,] *Assembly Bill No. 314 of this session,*".

Amend sec. 10, page 4, by deleting lines 5 through 7 and inserting:

"(b) Commits an act which endangers human life;

(c) Intentionally disobeys a rule of the jail [;] *or fails to return from assigned work within an allotted time;* or

(d) Intentionally disobeys a rule or individual condition established pursuant to section 6 of [this act,] *Assembly Bill No. 314 of this session,*".

Amend sec. 11, page 4, by deleting lines 38 through 40 and inserting:

"(b) Commits an act which endangers human life;

(c) Intentionally disobeys a rule of the facility [;] *or fails to return from assigned work within an allotted time;* or

(d) Intentionally disobeys a rule or individual condition established pursuant to section 6 of Assembly Bill No. 314 of this session,".

Amend sec. 12, page 5, by deleting line 10 and inserting:

"Sec. 12. 1. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1991.

2. Sections 10 and 11 of this act become effective at 12:02 a.m. on".

Assemblyman Sader moved that the Assembly concur in the Senate amendments to Assembly Bill No. 318.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

## MESSAGES FROM THE SENATE

Senate Chamber, Carson City, May 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 211.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 386.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 15.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 98.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 148.

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

Motion carried.

Senate Bill No. 153.

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

Motion carried.

Senate Bill No. 232.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 319.

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

Motion carried.

Senate Bill No. 325.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 336.

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

Motion carried.

Senate Bill No. 345.

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

Motion carried.

Senate Bill No. 355.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 386.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 625.

Bill read second time, ordered engrossed and to third reading.

Senate Joint Resolution No. 9.

Resolution read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 69—Designating the week of May 12 through May 18, 1991, as Heritage Week in Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assemblyman Sader moved that the action whereby the Assembly concurred in Senate Amendment No. 455 to Assembly Bill No. 256 be rescinded.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 256.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 253; Assembly Concurrent Resolution No. 64.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Pellegrini, Mrs. Debbie Pellegrini, Dr. Patricia Hawkins and Dr. Borton Welsh.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Fred Horlacher.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Smith.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Francey Dennis and Laura Hutchings.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jennifer Salls.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Schofield.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Larry Apple.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Minyard.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rick Millsap, Mss. Diane Boone, Judy Hall and the following students from Wooster High School, Reno: Charles Baldwin, Ryan Burke, Judy Chad, Jason Demond, Hilary Dodd, Shawn Donohue, Clifford Fisher, Joe Fontaine, Darren Gyford, Doug Hall, Chelsea McGee, David Nightingale, Sara Nilsson, Marvin Osuna, Pritesh Patel, Shannon Peterson, Juan Salcedo, Jamie Schnabel, David Sheriff, Tasha Smith, Shaun South, Jennifer Sprague, Oren

Altimus, Ginger Ames, Karina Carthen, Linda Corse, Aaron Dawson, Kato Fakatoumafi, Cory Hallock, Lisa Hamrell, Jamie Henderson, Clark Kafton, Brandy Kangieser, Willliam King, Amy Lockhart, Sonya Maruri, Joell Pereira, Humberto Ramirez, Raymond Rector, Linda Sanchez, Susan Taylor, Chris Kallies, Alfonso Almendariz, Travis Amys, Marc Bebout, Judith Berg, David Bruce, James Cota, Will Durham, James Enewold, Denise Ewing, Stavros Gamilis, Russell Harrison, Carrie Hildreth, Heather Hughes, Rain Langer, Jens Larsen, Stephen Oaxaca, Chad Olson, Todd Peterson, John Pontillas, Ian Redinbaugh, Tami Reimers, Jeffrey Thiede, Janette Trautman, Heather Whittemore, Freman Williams and Daniel Winters.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Genasci.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Gascue.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joan Turner.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rob Kirchner.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Patricia Rowe and Anna Peterson.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don Barclay.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Gregory Betts.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Ella Holloway.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Griffin Jones and Carol Lenhart.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Klaire Pirtle.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 9, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:59 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 9, 1991

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our gracious and loving heavenly Father, we thank You for the many good and perfect gifts that You send our way. The snow that so beautifully decorates our landscape and brings the much-needed moisture to our state. Truly, Nevada is a beautiful and wonderful place in which to live. Bless today the efforts of these legislators as they work so diligently to make Nevada an even better place. In the name of Your beloved Son, Jesus, we pray.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 632, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 7.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 9, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 26—Urging the C.H. Kempe National Center to hold the annual meeting of the "National Task Force on Juvenile Sexual Offending" in Nevada in 1992.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 27—Encouraging the cooperation of federal, state, local and tribal law enforcement authorities in enforcing the laws relating to alcohol and controlled substances on Indian reservations and in Indian colonies.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

Senate Concurrent Resolution No. 28.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

Senate Concurrent Resolution No. 44:

Assemblyman Porter moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 700—An Act relating to public health; revising the composition of district boards of health; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 701—An Act relating to retirement; revising the provisions governing the retirement systems of public officers and employees and legislators to ensure compliance with certain provisions of the Internal Revenue Code; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 702—An Act relating to public health; requiring certain entities who receive money from the state to establish a policy to ensure that all work places are free of illegally used drugs and alcohol; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 703—An Act relating to prenatal care for women; authorizing the University of Nevada School of Medicine to disburse grants for subsidies for malpractice insurance to providers of prenatal care in certain areas of Nevada; limiting the civil liability for certain providers of health care and medical facilities that provide obstetrical care; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Health and Welfare and Judiciary.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 704—An Act relating to facilities for public utilities; revising the standards for the issuance of a permit for a person other than a public utility to construct utility facilities; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 7.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 388.

Bill read third time.

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

Amendment No. 552.

Amend section 1, page 1, line 10, by deleting "Use" and inserting "Utilization".

Amend section 1, page 1, line 14, by deleting "Use" and inserting "Utilization".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblyman Pettyjohn.

Roll call on Assembly Bill No. 398:

YEAS—42.

NAYS—None.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Heller.
Roll call on Assembly Bill No. 438:
YEAS—42.
NAYS—None.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 625.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 625:
YEAS—42.
NAYS—None.

Assembly Bill No. 625 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 398, 438, 625; Senate Concurrent Resolution No. 28, be immediately transmitted to the Senate.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 99.
Bill read third time.
Remarks by Assemblyman Johnson.
Roll call on Senate Bill No. 99:
YEAS—42.
NAYS—None.

Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 9.
Resolution read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Senate Joint Resolution No. 9:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 312 be re-referred to the Committee on Government Affairs.
Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

## ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 320, 626, 632; Assembly Joint Resolution No. 20 and Senate Bill No. 39 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:04 p.m.

## ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker presiding.

Quorum present.

### UNFINISHED BUSINESS

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 22, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| SCOTT SCHERER | ANN O'CONNELL |
| RICK CHARLES BENNETT | RAYMOND C. SHAFFER |
| BOB L. KERNS | RANDOLPH J. TOWNSEND |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Scherer moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 22.

Remarks by Assemblyman Scherer.

Motion carried.

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 239.

The following Senate amendment was read:

Amendment No. 505.

Amend section 1, page 2, line 21, after "*him*" by inserting: "*regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls,*".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 239.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 420.

Amend the bill as a whole by deleting sections 1 through 39 and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

"Section 1. Title 40 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. 1. A person who sells at retail a new tire for a vehicle shall collect from the purchaser at the time he collects the applicable sales and use taxes for the sale a fee:

(a) Of $1 per tire, if the diameter of the tire's rim is 16 inches or less.

(b) Of $2 per tire, if the diameter of the tire's rim is more than 16 inches but less than 22.1 inches.

(c) Of $5 per tire, if the diameter of the tire's rim is 22.1 inches or more.

2. The seller shall hold in trust and account for separately all money received as a deposit pursuant to subsection 1. Monthly, in accordance with the applicable regulations, the seller shall transmit 95 percent of the money held in trust to the state department of conservation and natural resources for deposit with the state treasurer for credit to the account for recycling. The remaining 5 percent and all interest and income which accrued on the money while in trust with the seller become the property of the seller on the day the balance for the month is transmitted to the department and may be retained by the seller to cover his related administrative costs.

3. The state environmental commission shall, by regulation, establish acceptable methods for:

(a) Accounting for money collected pursuant to subsection 1; and

(b) Disposing of used or waste tires.

4. A person who offers a tire for a vehicle for sale at retail shall post at the point of purchase a written notice which is at least 8 1/2 inches by 11 inches in size and contains the following information:

NOTICE

State law requires us to accept used tires for recycling when new tires are purchased from us.

5. It is unlawful for a person who offers a tire for a vehicle for retail sale to refuse to accept used or waste tires in exchange on the purchase of a new tire pursuant to subsection 1. This section does not require the purchaser of a tire to provide a used or waste tire as a condition of his purchase of a new tire. The seller shall comply with the regulations of the state environmental commission regarding the proper disposal of the used or waste tires so collected. In addition to any other applicable penalty, any person who violates the provisions of this subsection is guilty of a misdemeanor and shall be fined not less than $100 for each day of violation.

6. As used in this section, "tire for a vehicle" includes all tires for a motorized vehicle regardless of size, but does not include a recapped tire or used tire which is sold again.

Sec. 3. 1. The director of the department shall use the money in the account for recycling to:

(a) Administer the provisions of sections 3 to 9, inclusive, of this act;

(b) Provide grants to local governments to carry out the provisions of sections 6, 7 and 8 of this act, including the costs of any related capital improvement;

(c) Pay the costs incurred by the office of community services within the governor's office pursuant to section 22 of this act; and

(d) Assist in necessary programs for the management of solid waste.

2. On July 1 of each year the state treasurer shall transfer from the account for recycling the money in the account, if any, which exceeds $900,000 and deposit the excess in the state highway fund for use by the director of the department of transportation to carry out the provisions of section 20 of this act. The state treasurer shall account separately for the money so transferred.

Sec. 4. As used in sections 4 to 9, inclusive, of this act, unless the context otherwise requires:

1. "Department" means the state department of conservation and natural resources.

2. "Municipality" means a county, city, town, general improvement district or other political subdivision of this state which has jurisdiction over the management of solid waste.

Sec. 5. The director of the department shall deliver to the director of the legislative counsel bureau a biennial report on or before January 31 of each odd-numbered year for submission to the legislature on the status of current and proposed programs for recycling and reuse of materials and on any other matter relating to recycling and reuse which he deems appropriate.

Sec. 6. 1. Except as otherwise provided in this subsection, the board of county commissioners of each county whose population is 38,000 or more shall, after consultation with the governing body of each municipality within the county, prepare and adopt on or before July 1, 1992, a plan for the reduction and recycling of waste. The plan may include provisions for interlocal or regional cooperation. If a health district has been created pursuant to NRS 439.370 and the resulting district board of health has jurisdiction over the management of solid waste within the health district,

the district board of health shall, as they relate to the health district, perform the duties assigned to the board of county commissioners pursuant to this section.

2. Each plan adopted pursuant to subsection 1 must include:

(a) Provisions for the appointment of a county recycling coordinator who is responsible for coordinating all recycling activities in the county.

(b) A component which addresses the characterization of the waste and other materials which comprise the solid waste generated or disposed of within the area covered by the plan.

(c) A component which describes the types of materials which will be reduced and recycled under the plan, including appropriate measures for the recycling of materials, including glass, metal and plastic containers. The component must describe the facilities which will be necessary to carry out this component of the plan. The component must also evaluate and identify rate structures and incentives that will encourage recycling and the reduction of nonrecyclable materials. The goals for reduction must include:

(1) The reduction of at least 10 percent per capita of the total solid waste generated or disposed of within the area covered by the plan before the end of the first full year following the approval by the department of the plan; and

(2) The reduction of at least 20 percent per capita of the total solid waste generated or disposed of within the area covered by the plan before the end of the second full year following the approval by the department of the plan.

(d) A component which addresses the manner in which the municipality will require and encourage recycling as a method of reducing the amount of waste generated in the area covered by the plan. The component must describe the preferences which may be given by the municipality for the procurement of recycled products.

(e) A component which addresses the manner in which the municipality will encourage composting as a method of reducing the amount of waste generated in the area covered by the plan.

(f) A component which addresses the manner in which the municipality will provide for the proper disposal of hazardous waste which is commonly produced from domestic use in households, infectious waste, hazardous waste not regulated by NRS 459.485 and liquid waste not regulated by NRS 445.131 to 445.354, inclusive, pursuant to the plan adopted in accordance with subsection 2 of NRS 459.485.

(g) A component which addresses the manner in which the municipality will increase public awareness of and participation in programs for recycling, reusing, composting and reducing the sources of waste, in cooperation with the activities of the office of community services within the governor's office to section 22 of this act.

(h) A component which addresses the manner in which the municipality will pay for the projected costs of carrying out the plan.

(i) A component which requires the accurate projection of the amount of capacity remaining in the existing disposal sites operated for the area covered by the plan and the capacity which will be needed to accommodate

the solid waste generated within the area during the next 15 years. The component must also include an accurate projection of the effect on the capacity of those sites if the other components of the plan are carried out in a prudent manner.

3. Such a plan becomes effective upon approval by the division of environmental protection of the department.

4. Each county plan must be reviewed annually and may be modified after adoption pursuant to any procedure for modification set forth in the adopted plan as approved by the department. The plan must be reconsidered in its entirety at least once every 5 years.

Sec. 7. 1. The board of county commissioners or district board of health shall, within 6 months after the adoption and approval by the department of the plan adopted pursuant to section 6 of this act:

(a) Solicit proposals from;

(b) Review the qualifications of; and

(c) Require municipalities to enter into contracts or agreement with or enter into contracts or agreements on behalf of municipalities with,

persons providing recycling services or operating recycling centers for the collection, storage, processing and disposition of designated recyclable materials, unless these services are otherwise provided by the county or health district, an interlocal agreement, a joint operating or service contract, a private business or public recycling program. If these services are otherwise provided, the county or health district shall make use of the existing services and encourage the development of additional private sources for these services.

2. If a county or health district cannot achieve the designated recycling goals set forth in the plan, the county or district board of health may petition the department for a temporary exemption from the provisions of subsection 1 to allow the county or board to review and modify its plan in a manner which will allow it to achieve the stated goals.

3. Any exemption granted by the department must not exceed 1 year in duration.

Sec. 8. Each county or health district which adopts a plan pursuant to section 6 of this act shall establish and put into effect a recycling program in accordance with the following requirements:

1. Within 6 months after the approval by the department of the plan, each county or health district shall provide for a collection system for the recyclable materials designated in the plan as may be necessary to achieve the designated goals for reduction set forth in the plan.

2. The county, health district or municipality shall within its jurisdiction adopt an ordinance or regulation:

(a) Requiring the person holding the franchise for the collection of solid waste within the area to provide a comprehensive program for the curbside collection of recyclable materials from its customers, if those materials have been separated by the customer from his other solid waste; and

(b) Governing the placement of the recyclable materials for collection.

3. The county, health district or municipality shall, at least once every 36 months, conduct a review and make necessary revisions to the ordinance or regulation. The revisions must reflect any changes in the state and county policies and objectives concerning the reduction of waste and the collection, disposition and recycling of designated recyclable materials.

4. The county or health district shall, on or before July 1 of each year, submit a report to the department of the number of tons of material disposed of in the area covered by the plan. The report must comply with regulations adopted by the commission.

5. The county or health district, within 6 months after the effective date of the ordinance or regulation, and at least once every 6 months thereafter, shall notify all persons occupying residential, commercial and institutional premises within the area covered by the plan of the local recycling opportunities and the need to reduce the amount of waste generated.

Sec. 9. 1. The state environmental commission shall adopt regulations necessary to enforce the provisions of sections 4 to 9, inclusive, of this act.

2. The state environmental commission may adopt any other regulations necessary to carry out the provisions of sections 4 to 9, inclusive, of this act.

Sec. 10. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. It is unlawful willfully to:*

*(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the state department of conservation and natural resources;*

*(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a sanitary landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the state department of conservation and natural resources; or*

*(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the department for the recovery of energy or other appropriate use.*

*2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and shall be punished by a fine of not less than $100 per violation.*

*3. The department shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may include coordination with the office of community service within the governor's office for the education of the public regarding the necessity of disposing of these items properly and recycling them.*

*4. The department shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.*

Sec. 11. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, *and section 10 of this act,* unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.500, inclusive, have the meanings ascribed to them in those sections.

Sec. 12. NRS 444.520 is hereby amended to read as follows:

444.520 *1.* The governing body of any municipality *which has an approved plan for the management of solid waste* may, by ordinance, provide for the levy and collection of *other or additional* fees and charges and require such licenses as may be appropriate and necessary to meet the requirements of NRS 444.460 to 444.610, inclusive.

*2. In addition to all other fees required or allowed, the governing body of any municipality may impose a fee on its residents and businesses for the services the municipality provides with regard to the collection, processing or disposal of solid waste. The revenue from any fee imposed pursuant to this subsection must be used in accordance with the plans and programs adopted pursuant to section 6 or 8 of this act.*

*3. The fees authorized by this section are not subject to the limit on the maximum allowable revenue from fees established pursuant to NRS 354.5989.*

Sec. 13. NRS 444.630 is hereby amended to read as follows:

444.630 1. As used in this section, "garbage" includes swill, refuse, cans, bottles, paper, vegetable matter, carcass of any dead animal, offal from any slaughter pen or butcher shop, trash or rubbish.

2. Every person who *willfully* places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any garbage, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property into or upon which the public is admitted by easement, license or otherwise, is guilty of a misdemeanor [.] *and, if the convicted person agrees, he shall be sentenced to perform 10 hours of work for the benefit of the community under the conditions prescribed in NRS 176.087.*

3. Ownership of garbage does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any garbage which is disposed of in violation of subsection 2 creates a reasonable inference that the owner is the person who disposed of the garbage. The fact that the disposal of the garbage was not witnessed does not, in and of itself, preclude the identification of its owner.

4. All health officers, game wardens, police officers of cities and towns, sheriffs and their deputies, and other peace officers of the State of Nevada shall, within their respective jurisdictions, enforce the provisions of this section.

5. A district health officer or his deputy may issue a citation for any violation of this section which occurs within his jurisdiction.

6. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the state or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 2. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

Sec. 14. NRS 444.635 is hereby amended to read as follows:

444.635 1. Any person convicted of violating NRS 444.555 and, in addition to the penalty imposed in NRS 444.630 [,] *or section 10 of this act,* any person convicted of violating NRS 444.630 *or section 10 of this act* is liable for a civil penalty, upon each such conviction.

2. Every court, before whom a defendant is convicted of a violation of NRS 444.555 or 444.630 [,] *or section 10 of this act,* shall order the defendant to pay a civil penalty which is at least $250 but not more than $2,000. If so provided by the court, the penalty may be paid in installments.

3. The health authority or division of environmental protection of the state department of conservation and natural resources may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.

4. Each court which receives money under the provisions of this section shall forthwith remit the money to the division of environmental protection or, if the health authority initiated the action, the district health department which shall deposit the money with the state treasurer for credit in a separate account in the state general fund or with the county treasurer for deposit in an account for the district health department, as the case may be. Money so deposited must be used only to pay rewards pursuant to NRS 444.640 or for the management of solid waste and paid as other claims against the state or local governments are paid.

Sec. 15. NRS 332.065 is hereby amended to read as follows:

332.065 *1.* When a governing body or its authorized representative has advertised for or requested bids in letting a contract, the award [shall] *must, except as otherwise provided in subsection 2,* be made to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder will be judged on the basis of price, conformance to specifications, bidders' qualifications including such bidders' past performance in such matters, quality and utility of services, supplies, materials or equipment offered and their adaptability to the required purpose and in the best interest of the public, each of such factors being considered.

*2. The governing body may give preference to recycled products if the product costs no more than 5 percent more than a comparable nonrecycled product.*

Sec. 16. Chapter 333 of NRS is hereby amended by adding thereto the provisions set forth as sections 17, 18 and 19 of this act.

Sec. 17. *As used in sections 17, 18 and 19 of this act, unless the context otherwise requires:*

*1. "Post-consumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.*

*2. "Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:*

*(a) Post-consumer waste; and*

*(b) Secondary waste,*

*but does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.*

*3. "Secondary waste" means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value.*

Sec. 18. *1. The chief shall require each contractor to certify in writing, under penalty of perjury, whether the goods or products he offers contain recycled materials and specify the minimum, if not exact, percentage of post-consumer waste and of secondary waste contained therein.*

*2. The chief shall review and revise the specifications for procuring goods and products for the using agencies to eliminate discrimination against the procurement or purchase of recycled products whenever the quality of a recycled product is reasonably equal to the same product manufactured with virgin resources. Except for specifications which have been established to preserve the public health and safety, all specifications for procurement must be established in a manner which results in the maximum procurement and purchase of recycled products.*

*3. When purchasing goods and products for the using agencies, the chief shall give preference to recycled products if:*

*(a) The product meets the applicable standards;*

*(b) The product can be substituted for a comparable nonrecycled product; and*

*(c) The product costs no more than a comparable nonrecycled product.*

*4. When purchasing goods and products for the using agencies, the chief may give preference to recycled products if:*

*(a) The product meets the applicable standards;*

*(b) The product can be substituted for a comparable nonrecycled product; and*

*(c) The product costs no more than 5 percent more than a comparable nonrecycled product.*

*5. To encourage the use of post-consumer waste, the chief shall award contracts for recycled products to the bidder whose product contains the greatest percentage of post-consumer waste if the fitness, quality and price meet the applicable requirements.*

Sec. 19. *1. After consultation with the state department of conservation and natural resources, the chief shall adopt regulations governing the bidding procedure and specifications for paper and paper products purchased by the purchasing division that encourage the maximum purchase of recycled paper products. The specifications must give preference to recycled paper products manufactured with the highest percentage of recycled material.*

*2. When purchasing any paper or paper products for use by a using agency, the chief shall purchase recycled paper products if the specific recycled paper product is:*

*(a) Available at a price not more than that of paper products made from virgin material;*

*(b) Of adequate quality; and*

*(c) Available to the purchaser within a reasonable period.*

*3. When purchasing any paper or paper products for use by a using agency, the chief may purchase recycled paper products if the specific recycled paper product is:*

*(a) Available at a price not more than 10 percent higher than that of paper products made from virgin material;*

*(b) Of adequate quality; and*

*(c) Available to the purchaser within a reasonable period.*

Sec. 20. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The department shall submit for approval to the board of directors, as a part of the annual work program, designated projects for the use of recycled products. The designated projects must:*

*(a) Be comprised of projects for highway construction, reconstruction, surface overlay or surface sealing for which competitive bids have been submitted; and*

*(b) Use in the surfacing mixture at least 15 percent by weight recycled asphalt or other recycled products, such as crumb rubber from tires, ash, plastics, glass or glassy aggregates.*

*2. The costs of qualifying projects so designated may be paid from the portion of the state highway fund transferred pursuant to section 3 of this act.*

Sec. 21. NRS 487.260 is hereby amended to read as follows:

487.260 *1.* If the vehicle is appraised at a value of more than $500 the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

*2. If the vehicle is appraised as a junk vehicle, the department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.*

*3. An automobile wrecker who possesses a junk certificate for a junk vehicle may dismantle, scrap, crush or otherwise destroy the vehicle.*

*4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. An automobile wrecker who purchases a vehicle for which a junk certificate has been issued shall, within 10 days after purchase, apply to the department for a new junk certificate and surrender the original certificate.*

*5. A person who sells, dismantles, scraps, crushes or otherwise destroys a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. He shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.*

*6. As used in this section, "junk vehicle" means a vehicle, including component parts, which:*

*(a) Has been discarded or abandoned;*

*(b) Has been ruined, wrecked, dismantled or rendered inoperative;*

*(c) Is unfit for further use in accordance with the original purpose for which it was constructed;*

*(d) Is not registered with the department; and*

*(e) Has value principally as scrap which does not exceed $200.*

Sec. 22. Chapter 523 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The office shall develop a program of public education to provide information, increase public awareness of the individual responsibility of properly disposing of solid waste and encouraging public participation in recycling, reuse and waste reduction. The program must be designed in accordance with the plans to provide for a solid waste management system approved pursuant to NRS 444.510 to communicate the importance of conserving natural resources, in addition to the importance of protecting public health and the environment. The program must include promotion of the private and public efforts to accomplish conservation, recovery and reuse.*

*2. The office shall encourage the reduction of waste and litter by:*

*(a) Providing, upon request, advice to persons regarding techniques to reduce waste and general information on recycling.*

*(b) Establishing a computer data base to process related information.*

*(c) Establishing a toll-free telephone line to assist in the dissemination of information.*

*(d) Sponsoring or cosponsoring technical workshops and seminars on waste reduction.*

*(e) Assisting local programs for the research and development of plans to reduce waste.*

*(f) Coordinating the dissemination of publications on waste reduction, regardless of the source of those publications.*

*(g) Assisting in the development and promotion of programs of continuing education for educators and administrators to enable them to teach and encourage methods of waste reduction.*

*(h) Developing an emblem to signify and advertise the efforts in Nevada to encourage recycling.*

*3. The office shall coordinate the technical assistance available from the various state agencies. The director shall prepare and deliver biennial reports to the governor regarding the progress of the program.*

Sec. 23. 1. There is hereby appropriated from the state general fund to the account for recycling the sum of $50,000 to carry out the provisions of this act.

2. The director of the state department of conservation and natural resources shall repay from the account for recycling to the state treasurer for deposit in the state general fund an amount equal to $50,000 on or before June 30, 1992.

Sec. 24. 1. This section and section 23 of this act become effective on July 1, 1991.

2. Sections 1 and 4 to 23, inclusive, of this act become effective on October 1, 1991.

3. Sections 2 and 3 of this act become effective on January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to solid waste; providing for the recycling, reduction or disposal of certain kinds of solid waste; requiring certain counties and cities to adopt plans and programs for the reduction and recycling of waste; authorizing the imposition of certain fees; requiring state procurement of certain recycled paper and other products; revising the penalty for the unlawful dumping of certain garbage; requiring the establishment of specific guidelines for the disposal of hazardous household and other waste; requiring the office of community services within the governor's office to disseminate certain information; providing penalties; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding reducing, recycling and disposing of solid waste. (BDR 40-94)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Assemblyman Freeman moved that Assembly Bill No. 320 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 626.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 632.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 20.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 576.

Amend the preamble, page 1, by deleting line 4 and inserting: "agricultural products in Nevada; and".

Amend the preamble, page 1, line 6, by deleting "those counties;" and inserting "Nevada;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 39.

Bill read second time.

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

Amendment No. 579.

Amend section 1, page 1, line 4, after "*rate*" by inserting: "*related to telecommunications services*".

Amend section 1, page 1, line 8, after "*schedule*" by inserting: "*related to telecommunications services*".

Amend the title of the bill, second line, by deleting "any" and inserting "certain".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 51, 287, 315, 318, 397; Senate Bill No. 62; Assembly Concurrent Resolutions Nos. 65, 66.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Carns.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Boone and the following students from Wooster High School, Reno: Sonia Ahuja, Sonya Coffman, Brandy Dixon, Kevin Drees, Jason Guinasso, John Howell, Randy Naylor, Vu Nguyen, Krista Raszler, Ryan Simpson, Andrea Squatrito, Brandan Trehal, Michael Wilhelm, Ryan Willhoite, Heather Wittemore, Jens Larson, Carrie Hildreth, Aaron Dawson, James Cota, Rich McElreath, Donald Arkell, Bradley Bryson, Adam Carter, Sean Crowley, Joann Ellis,

Joseph Fretz, Jason Lubra, Jeremy Maddle, Jennifer McNeely, Shawn Odel, Edward Oliver, Richard Parale, Sara Pastore, Cynthia Pattee, Amy Tibbals and Carrie Wick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Leslie Morgan, Kelly Smith, Lisa Lauritzen, Mr. Darren Schadel and the following students from Battle Mountain High School: Lisa Bauer, Jason Belisle, Dana Belton, Renee Broughton, Steve Carey, Ben Caudell, Erica Chacon, Michelle Chadwell, Deanna Clark, Leanna Clark, Andy Cooper, Tawny Crosby, Ginger Dorothy, Gary Dowell, Danny Elquist, Wyatt Esplin, Peggy Fenley, Chris Franklin, Danna Gibbons, Margaret Gillio, Jonathan Goddard, Cory Hailey, Tom Heinz, Shannon Hensley, Jim Gelford, Lili Lauritzen, Lane Lemaire, Rhett Mahoney, Eiji Matsuyama, Terry McGinnis, Tracy McIntosh, Elizabeth Nunez, Sandra Nunez, Adrian Olsen, Jose Quintero, John Ramsdell, Scott Rasmussen, Meredith Reynolds, James Rochester, Rubi Rodriguez, Brandan Rogers, Eva Sandoval, Mike Speers, Russell Steele, Terri Steenson, Dan Tomera, Jim Unger, Wes Urrutia, Jamie Williams and Alan Woodland.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 10, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 12:41 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 10, 1991

Assembly called to order at 8:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving heavenly Father, You have taught us to trust You with all our hearts and to lean not upon our own understanding. That if we acknowledge You, You will make our paths straight and direct our steps. We acknowledge our need and ask that today You provide this Assembly with the guidance and direction it needs to accomplish its tasks. In Jesus' name, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 88, 146, 156, 375, 404, 482.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 69.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 442, 505.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 106, 328, 493.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 65, 142.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 22.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## COMMUNICATIONS

STATE OF NEVADA

SENATE

CARSON CITY, NEVADA May 8, 1991

DEAR LEGISLATORS:

The province of Taiwan of the Republic of China and the State of Nevada established a Sister State relationship on October 24, 1985, in an effort to strengthen international understanding and good will.

Because of our Sister State status, we will have the opportunity to entertain the delegation from the Province of Taiwan on May 16, 1991.

*Sincerely,*

LAWRENCE E. JACOBSEN, *Senator*
Western Nevada Senatorial District

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Carpenter, Marvel, Bennett, Little, Garner, Porter, Bergevin, Heller, Spriggs, Hardy, Bayley, Stout, Elliott, McGinness, Petrak, Wong, Kerns, Price, Gregory, Norton, Gibbons, Scherer, Johnson, Pettyjohn, Wendell Williams, McGaughey, Arberry, Spitler and Goetting:

Assembly Joint Resolution No. 28—Urging the Congress of the United States to enact legislation which returns jurisdiction over wild horses and burros to those states who so request.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 705—An Act relating to motor vehicles; revising the fees charged for the registration of certain heavy vehicles; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 706—An Act relating to mammography; requiring the certification of radiation machines for mammography and the persons who operate such machines; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 707—An Act relating to prisons; requiring the director of the department of prisons to designate honor camps for the treatment of prisoners convicted of certain crimes involving the abuse of alcohol or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini, Porter and Petrak:

Assembly Bill No. 708—An Act relating to manufactured homes; requiring the administrator of the manufactured housing division of the department of commerce to publish a pamphlet and print labels containing certain information relating to manufactured and mobile homes; requiring a dealer to provide each prospective purchaser of a manufactured or mobile home with the pamphlet published by the administrator and to place an informational label in each home; expanding the grounds for which disciplinary action may be taken against a dealer; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 106.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 328.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 442.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 493.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 505.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 330 be taken from its position on the General File and placed at the bottom of General File.

Remarks by Assemblyman Callister.

Motion carried.

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

Assembly in recess at 8:23 a.m.

## ASSEMBLY IN SESSION

At 8:36 a.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 279 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 626.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Assembly Bill No. 626:

YEAS—42.

NAYS—None.

Assembly Bill No. 626 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 632:

YEAS—42.

NAYS—None.

Assembly Bill No. 632 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 602.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 90.360 is hereby amended to read as follows:

90.360 1. An applicant for licensing shall pay a licensing fee, due annually in the following amounts:

(a) Broker-dealer, $150.

(b) Sales representative, [$50.] *$55.*

(c) Investment adviser, $150.

2. The administrator by regulation may require licensing of branch offices and impose a fee for the licensing and an annual fee.

3. For the purpose of this section, a "branch office" means any place of business in this state other than the principal office in the state of the broker-dealer, from which one or more sales representatives transact business.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 250 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 709—An Act relating to minerals; establishing a method for determining and reporting royalties and other interests in the sale of the production from an oil or gas well located in this state; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 511.

Amend section 1, page 1, line 7, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 1, by deleting lines 11 through 14.

Amend section 1, page 1, line 15, by deleting "*4.*" and inserting "*3.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 428.

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. NRS 369.180 is hereby amended to read as follows:

369.180 In addition to the limitations imposed by NRS 598.355 and 598.357, a person shall not:

1. Import liquors into this state unless he first secures an importer's license or permit from this state.

2. Engage in business as a wholesale dealer of wines and liquors in this state unless he first secures a wholesale wine and liquor dealer's license from this state.

3. Engage in business as a wholesale dealer of beer in this state unless he first secures a wholesale beer dealer's license from this state.

4. Operate a winery in this state or export wine from this state unless he first secures a wine-maker's license from this state.

*5. Operate a brewery in this state unless he first secures a brewer's license from this state.*

Sec. 5. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

| | |
|---|---|
| Importer's wine, beer and liquor license | $500 |
| Importer's beer license | 150 |
| Wholesale wine, beer and liquor license | 250 |
| Wholesale beer dealer's license | 75 |
| Wine-maker's license | 75 |
| *Brewer's license* | *75*". |

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblymen Porter and Johnson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2160), requested by the Committee on Ways and Means, be introduced by individual assemblymen.

Remarks by Assemblyman Evans.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 710—An Act relating to hospitals; allowing county and district hospitals to provide insurance coverage for certain persons who participate in peer review; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 29—Urging Congress to encourage the development and marketing of affordable drugs for the treatment of persons afflicted with acquired immune deficiency syndrome.

Assemblyman Arberry moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 554 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 626 and 632 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 8:51 a.m.

ASSEMBLY IN SESSION

At 8:57 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 388; Assembly Joint Resolution No. 20; Senate Bill No. 39 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 324 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 388:

YEAS—42.

NAYS—None.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 20.

Resolution read third time.
Remarks by Assemblymen Freeman and Little.
Roll call on Assembly Joint Resolution No. 20:
YEAS—41.
NAYS—Little.

Assembly Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 388 and Assembly Joint Resolution No. 20 be immediately transmitted to the Senate.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 39.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 39:
YEAS—41.
NAYS—None.
Not voting—Spitler.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 654, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 654 be placed on the Second Reading File.
Remarks by Assemblyman Porter.
Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Callister, Heller, Scherer, Pettyjohn, Haller, Lambert, Goetting, Anderson, Bache, McGinness, Spitler, Bergevin, Humke, McGaughey, Marvel, Gibbons, Johnson, Gregory, Price, Wong, Petrak, Bennett, Krenzer, Wendell Williams, Evans, Arberry, Garner, Giunchigliani, Myrna Williams, Elliott and Porter:

Assembly Bill No. 711—An Act relating to landscaping; requiring certain owners of lots in subdivisions with residential structures to provide xeriscap-

ing for a model residential structure and to offer prospective buyers xeriscaping as an optional type of landscaping; requiring the conservation of water in the landscaping of certain structures through local government regulation; requiring the conservation of water in the landscaping of certain public buildings; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 545.

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"*(a) Approves or grants the extension of gaming credit on behalf of a state gaming licensee or collects a debt evidenced by a credit instrument; or*".

Amend sec. 3, page 1, by deleting lines 18 and 19 and inserting:

"*(d) A supplier of transportation;*

*(e) A travel agency which receives compensation solely on the price of the transportation or lodging arranged for by the agency; or*

*(f) An employee of a state gaming licensee or its affiliate.*".

Amend sec. 6, page 3, by deleting lines 39 and 40 and inserting:

"(b) [Does business with the licensed gaming establishment as a junket representative or ticket purveyor;] *Is an independent agent or does business with a licensed gaming establishment as a ticket purveyor, a tour operator, the operator of a bus program, or as the operator of any other type of casino travel program or promotion;* or".

Amend sec. 7, page 4, by deleting lines 12 through 48, and inserting:

"Sec. 7. (Deleted by amendment.)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 192.

Amend section 1, page 1, by deleting lines 18 and 19 and inserting:

"*(h) School bus.*".

Amend the title of the bill, first and second lines, by deleting: "if a person under 19 years of age is being transported in the bus;" and inserting a semicolon.

Amend the summary of the bill, first line, by deleting: "under certain circumstances." and inserting a period.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 654.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 590.
Amend section 1, page 1, line 5, by deleting "1992 the" and inserting: "1992:
(a) The executive director of the department of taxation shall certify to the board of county commissioners of each of the several counties the combined tax rate necessary to produce the amount of revenue required by the approved budgets, and shall certify that combined rate, to each of the boards of county commissioners.
(b) The".
Amend section 1, page 1, between lines 13 and 14 by inserting:
"4. Notwithstanding the provisions of subsection 3 of NRS 354.596, the budget hearings required by that subsection may be held:
(a) For county budgets, on the fourth Monday in June;
(b) For cities, on the fourth Tuesday in June;
(c) For school districts, on the fourth Wednesday in June; and
(d) For all other local governments, on the fourth Thursday in June.
The board of county commissioners may consolidate the hearing on all local government budgets administered by the board of county commissioners with the county budget hearing.".
Amend the title of the bill, third line, after "1991-1992;" by inserting: "requiring the executive director of the department of taxation to certify the combined tax rate for each county for the fiscal year 1991-1992;".
Assemblyman Price moved the adoption of the amendment.
Remarks by Assemblyman Price.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess until 12 noon.
Motion carried.

Assembly in recess at 9:13 a.m.

## ASSEMBLY IN SESSION

At 12:16 p.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 433; Senate Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 348, 417, 471, 506.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 196.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Kerns, Little, Haller, Spriggs, Wong, Bergevin, Bache, Lambert, Bennett, Krenzer, Gibbons, McGaughey, Bayley, Elliott, Carpenter, Garner, Heller, Spitler, Johnson, Anderson, McGinness, Marvel, Price, Myrna Williams, Dini, Petrak, Sader, Goetting, Callister, Arberry, Gregory, Pettyjohn, Scherer, Norton, Giunchigliani, Stout, Wendell Williams, Humke, Evans, Porter and Hardy:

Assembly Concurrent Resolution No. 70—Urging the Museum of the American Indian to return to this state for permanent display in the Nevada State Museum at least one of the decoys of canvasback ducks that were excavated from a cave near Lovelock, Nevada.

WHEREAS, The State of Nevada is situated in a geographical region that is rich in Native American History; and

WHEREAS, Awareness of this history is important to the education of all Nevadans; and

WHEREAS, Approximately 70 years ago, 11 decoys of canvasback ducks, each approximately 2,000 years old, were excavated from a cave near Lovelock, Nevada; and

WHEREAS, These decoys are now in the possession of the Museum of the American Indian in New York City, New York; and

WHEREAS, The addition of one or more of these decoys to the Nevada State Museum would provide an excellent opportunity for the residents of Nevada to enjoy and appreciate the history of this region; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature urge the Museum of the American Indian to return at least one of these decoys to the State of Nevada for permanent display in the Nevada State Museum; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Director of the Museum of the American Indian.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman, Spriggs, Kerns and McGinness.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. As it says in the resolution, this urges the Museum of the American Indian in New York City to return to this state for permanent display one of the duck decoys that has been back there since about 70 years ago. These ducks were discovered in a cave in Lovelock, Nevada, and they are all about 2,000 years old and we would like to have at least one of them returned to the state.

I would like to tell you that up in the gallery we have about 125 students who are from Billinghurst Middle School, in northwest Reno. In March, I saw an article in the paper that a group of students had this as a project so I wrote them a letter of congratulation and they wrote me a note back asking me to make this a project for the legislature also. So, I introduced this resolution. You will find on your desk a description of what has happened. It is really a very fascinating story and I would ask you to read it. Do you want me to continue Mr. Speaker?

With me, I would like to introduce Jenney Chumrau and Erika Zunini, who are students at the school, and who go around to the various schools and give speeches on this subject. It has become a very exciting project for the school. I would ask you to approve this resolution.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I rise in support of the resolution. My husband and I did a lot of research on the Indian Museum in New York City and found out that two-thirds of their artifacts are not on display, they are all in storage. Recently the Smithsonian Institute bought out that Museum and they are going to make it part of the Smithsonian. I think it would be a great time right now to at least get one of the ducks back before that occurs. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Chairman. I have a couple of these students here at my desk with me. On my right, I have Kimberly Welch, and on my left, I have John Sande, who is a small version of the one you see racing up and down the halls all the time. Anyway, when this first came out in the paper—as most of you might guess—it caught my eye. I got involved in this and John managed to hassle me into a little financial help on it. Of course, I am sure if anybody here felt the urge, you could probably catch one of these kids and help get one of these decoys back to the State of Nevada. It is going to be a very expensive proposition, I can guarantee you. They have all been working really hard on this and I think it's probably something that will help all of these kids in the future to find out what this real world is all about out there and how things like this can help the state and everybody.

This is a poster that I have of a bunch of these decoys. They are really beautiful decoys. They are made out of reeds and partially out of regular duck feathers. It is amazing that what the people did back in those days was so little different from what we do today. They used duck decoys to catch ducks back in those days and we still do the same thing. I just think this is a fantastic resolution and I wholeheartedly support it, and any help any of you can give these kids in getting this project on, I would really appreciate it and so would they. Thank you.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. In the last session of the legislature, I sponsored a bill that helped keep Indian artifacts from being taken from graves. There were some very unscrupulous people that were actually robbing graves of Indian artifacts and keeping them for their personal use. I don't think what the Museum in New York has done is very far from that. I think they have taken something that has great Nevada heritage and taken it off to New York. I think returning at least one of these decoys to Nevada is the least they can do and I urge everyone's support.

Resolution adopted unanimously.

Assemblyman Freeman moved that all rules be suspended and that Assembly Concurrent Resolution No. 70 be immediately transmitted to the Senate.

Motion carried unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 45.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter and Myrna Williams.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. The resolution is self-explanatory and very eloquent. I did not know Father Nowak, however, the Assembly does extend their condolences and sympathies to the family.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I did know Father Nowak. I knew him very well as did my entire family. We became friends in the early 60's. We spent a great deal of time together. He was an outstanding person. He was an inspiration to everybody who knew him and he certainly has left a void in the lives of everyone around him whose life he touched. He has left a void in our family.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Wendell Williams:

Assembly Bill No. 712—An Act relating to local government employers; prohibiting a local government employer from hiring certain employees without using a process of competitive selection designed to determine the most qualified applicant for the position; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 348.

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

Motion carried.

Senate Bill No. 417.

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

Motion carried.

Senate Bill No. 469.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 471.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 506.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 433, 521; Senate Bills Nos. 322 and 390 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 148 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 279, 324, 554 and 654 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

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

Assembly in recess at 12:34 p.m.

## ASSEMBLY IN SESSION

At 12:42 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 713—An Act making an appropriation to the state department of conservation and natural resources for certain costs of litigation involving the stream system of the Truckee River and for costs related to consultants on the administration of water resources statewide; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 714—An Act making an appropriation to the interim finance committee for the support of the Nevada Appellate and Post-Conviction Project; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 433.

Bill read second time.

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

Amendment No. 544.

Amend section 1, pages 4 and 5, by deleting lines 28 through 48 on page 4 and lines 1 through 3 on page 5, and inserting:

"3. Except as otherwise provided by law, all meetings of the board of supervisors must be conducted in accordance with chapter 241 of NRS.

Sec. 2.060 Meetings: Emergency.

An emergency meeting of the board of supervisors may be called by the mayor or upon written notice issued by a majority of the board of supervisors. Prior written notice must be given to all members of the board of supervisors.".

Amend section 1, page 9, line 4, after "the" by inserting "division or".

Amend section 1, pages 9 and 10, by deleting lines 45 through 48 on page 9 and lines 1 through 16 on page 10.

Amend section 1, page 10, line 17, by deleting "2.290" and inserting "2.280".

Amend section 1, page 10, line 35, by deleting "2.300" and inserting "2.290".

Amend section 1, page 10, by deleting lines 37 through 40 and inserting:

"1. Regulate or prohibit the running at large and disposal of all kinds of".

Amend section 1, page 10, line 42, by deleting "3." and inserting "2.".

Amend section 1, page 10, line 43, by deleting "4." and inserting "3.".

Amend section 1, page 10, line 44, by deleting "2.310" and inserting "2.300".

Amend section 1, page 11, line 3, by deleting "2.320" and inserting "2.310".

Amend section 1, page 11, line 10, by deleting "2.330" and inserting "2.320".

Amend section 1, page 11, line 28, by deleting "2.340" and inserting "2.330".

Amend section 1, page 11, line 38, by deleting "2.350" and inserting "2.340".

Amend section 1, page 12, line 1, by deleting "2.360" and inserting "2.350".

Amend section 1, page 17, by deleting lines 11 through 16.

Amend sec. 9, page 19, by deleting line 48 and inserting: "four supervisors and the mayor of the city will be held. The election must be held not".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 521.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

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

Amendment No. 401.

Amend section 1, page 1, line 14, by deleting: "*or its authorized representative*" and inserting: "*of any hospital*".

Amend the title of the bill, first and second lines, by deleting: "local government or its authorized representative" and inserting: "county or district hospital".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 390.

Bill read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 148:

YEAS—42.

NAYS—None.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Bill No. 279:
YEAS—42.
NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 324.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 324:
YEAS—42.
NAYS—None.

Assembly Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 554.
Bill read third time.
Remarks by Assemblymen Scherer and Carpenter.
Roll call on Assembly Bill No. 554:
YEAS—37.
NAYS—Carpenter, McGaughey, Price, Wong—4.
Not voting—Mr. Speaker.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 654.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 654:
YEAS—42.
NAYS—None.

Assembly Bill No. 654 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 439, 444.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 439.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 444.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 40, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Wong, McGaughey and Krenzer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 40.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 211, 239; Senate Bills Nos. 22, 65, 142, 208, 274; Assembly Concurrent Resolution No. 68; Senate Concurrent Resolution No. 28.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Joe Sanderson and Mrs. Virginia Sanderson.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jane Meranda, Carla Sankovich, Marcy Welch, Messrs. Dennis Tupper, Duncan Monroe, Marc Myrehn, Mesdames Judy Johnson, Colette Torch and the following students from Billinghurst Middle School, Reno: Chalen Alexander, Joshua Anzinger, Luciano Arelland, Nicholas Arnold, Rory Ballard, Janelle Bentley, Heidi Bird, Heather Blanchard, Erica Bradd, Heather Branch, Jessie Bryant, Gabe Burke, Leo Cartellieri, Daniel Carter, Maggarita Chagolla, Candace Chaney, Michael Chang, Kelly Choate, Jennifer Chumrau, Jordan Clark, Nicole Clark, Kristin Clary, April Corless, Manuel Coronado, Veronica Cortes, Kirsten Coulombe, Christine Darling, Brandi Davenport, Michelle Depoali, Jessica Elder, Jason Evans, Benjamin Faanes, Jerrad Fisher, Rebecca Fisher, Stacy Fisher, Justin Franchi, Clinton Gilliland, Beatris Gonzalez, Kayte Grega, Garret Hallenbeck, Ryan Hamrick,

Leraina Hatch, Danny Hendricks, Daniel Hiatt, Susan Hicks, Ryan Himmel, Crystal Hopper, Alexander Hughes, Jeanne Hull, Clark Humphrey, Jessica Hutton, Cody Hybarger, Emily Ide, Christina Irwin, Amy Johnson, Angela Johnson, Carly Johnson, Jacquelin Karamanogian, Meredith Kennedy, Mike Kopicko, Jason Kuhno, Heidi Lague, Kaye Longoria, Shannon Lyman, April Martens, Jason Martinez, Cheyenne Mattson, Matt Mayhall, Damian Meldgaard, Scott Moore, Aimee Moser, Cassandra Moyer, Adrianne Munz, Melissa Neff, Aquila Nelson, Emily Nelson, Petra Nelson, Shawna Newberry, Melissa Nicholas, Nerissa Oberlander, Kristopher Osborne, Steven Osborne, Alisha Owen, Jennifer Oxier, Allison Paynter, Mary Payton, Summer Pieren, Marianne Pierson, Shantel Pleasants, Kristina Potetz, Manita Rawat, Allison Records, Marit Renoe, Michelle Retherford, Isela Reyez, Sasha Riley, Mark Rogers, Erin Russell, Ryan Thomas, Kaysha Sanford, JJ Santos, David Schmidt, Christopher Scollard, Sarah Shay, Ellen Silverberg, Shauna Smith, Toni Smith, Kerri Spellman, Jeremy Sternod, Marcos Talancon, Heather Thompson, Holly Thompson, David Torch, Elizabeth Torres, Nicole Torres, David Turner, Shantil Vandecar, Amy Vigil, Jennifer Webb, Emily Welch, Sandra Wendt, Sarah Wickersham, Kristin Williams, Whitney Williamson, Tamara Winchester, Stacey Wise and Anneliese Zunini.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jake Wilhelm and Mrs. Joan Wilhelm.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kimberly Welch and Mr. John Sande.

Assemblyman Porter moved that the Assembly adjourn until Saturday, May 11, 1991 at 10:00 a.m.

Motion carried.

Assembly adjourned at 1:06 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 11, 1991

Assembly called to order at 10:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our glorious, heavenly Father, on this beautiful Saturday, many are at rest. Yet these legislators, Your servants, cannot rest. There are miles to go before they sleep and as we look to the upcoming weeks as the session draws to a close, their workload increases. Grant them the energy, enthusiasm, creativity, wisdom, patience and fortitude to see them through the difficult days and weeks ahead. In Jesus' name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 501, 520; Senate Bills Nos. 36, 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 152.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 100, 164, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 70.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache (by request):

Assembly Bill No. 715—An Act relating to youthful offenders; restricting the expenditure of money appropriated to counties for special supervision programs; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 301, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| RICK CHARLES BENNETT | RANDOLPH J. TOWNSEND |
| LOUIS W. BERGEVIN | ANN O'CONNELL |
| PATRICIA LITTLE | RAYMOND C. SHAFFER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 301.

Remarks by Assemblyman Bennett.

Motion carried.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 196, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kerns, Norton and Wong as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 196.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 330:

YEAS—41.

NAYS—None.

Not voting—Heller.

Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.
Bill read third time.
Remarks by Assemblyman Elliott.
Roll call on Assembly Bill No. 521:
YEAS—42.
NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 250 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Porter.
Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## GENERAL FILE AND THIRD READING

Senate Bill No. 390.
Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Senate Bill No. 390:
YEAS—42.
NAYS—None.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 250.
Bill read third time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 619.
Amend section 1, page 1, line 7, after the period, by inserting: "*Such a brewery may not manufacture more than 5,000 barrels of malt beverages in any calendar year.*".
Amend section 1, page 1, line 13, by deleting "*county; and*" and inserting: "*county. Such a brewery may not manufacture more than 5,000 barrels of malt beverages in any calendar year.*".
Amend section 1, page 1, line 15, after the period by inserting: "*Such a brewery may not manufacture more than 3,000 barrels of malt beverages in any calendar year.*".

Amend section 1, page 1, line 19, by deleting the colon and inserting: "*and any other applicable governmental requirements:*".

Amend section 1, page 1, by deleting lines 23 through 25 and inserting: "*sale beer dealer's license issued pursuant to chapter 369 of NRS.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 716—An Act relating to state land; authorizing the division of state lands of the state department of conservation and natural resources to negotiate for and purchase certain land in Las Vegas for use as the site of a state office building; authorizing the issuance of general obligation bonds to pay the costs of the purchase; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 717—An Act relating to crimes against the person; prohibiting the sexual abuse by a therapist of a client; extending the period of limitation for prosecuting the crime; providing for the reporting of suspected sexual abuse by a therapist; providing penalties; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 718—An Act relating to public education; establishing the ratio of pupils to counselors in kindergarten through grade 12; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Arberry, Price, Wendell Williams, Giunchigliani and Bache:

Assembly Bill No. 719—An Act relating to local government employees; requiring a local government employee who is not a member of an employee organization recognized by his employer to pay to that organization his share of the costs related to negotiations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 330 and 521 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 268, 501, 520; Senate Bills Nos. 36, 193, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 10:35 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 47.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 47.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Porter, Wong, Heller, Anderson, Scherer, Carpenter, Krenzer, Elliott, Evans, Price, Humke and McGinness.

Resolution adopted.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblyman Callister moved the adoption of the resolution.

Remarks by Assemblyman Callister.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 720—An Act relating to education; making an appropriation to the department of education for the cost of consulting services to assess the benefits of the program for the reduction of pupil-teacher ratios; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 721—An Act relating to emissions from motor vehicles; increasing the fee paid to the department of motor vehicles and public safety for certain forms issued to fleet stations; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 268.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 524.

Amend sec. 2, page 1, by deleting lines 3 through 9 and inserting:

"Sec. 2. *The state board in cooperation with the boards of trustees of the various county school districts shall develop programs designed to reduce the number of pupils who drop out of school by assisting pupils who may be at risk of dropping out of school.*".

Amend sec. 3, page 1, by deleting lines 10 through 20 and inserting:

"Sec. 3. *1. The board of trustees of each county school district shall employ at least one full-time counselor at every elementary school in the district with an enrollment of 450 pupils or more. If no elementary school of that size exists in the district, the board shall employ at least one full-time counselor to serve the district.*

*2. As used in this section, "elementary school" means a public school in which the grade work for at least the first through fifth grades is given.*".

Amend sec. 4, page 2, between lines 16 and 17, by inserting:

"4. The department of education shall allocate money pursuant to this section in the same proportion as money is distributed to school districts from the distributive school account of the state general fund.".

Amend sec. 5, page 2, line 17, by deleting: "upon passage and approval." and inserting: "on July 1, 1991.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 501.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 520.
Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 36.
Bill read second time and ordered to third reading.

Senate Bill No. 193.
Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 88, 146, 156, 375, 387, 404, 482; Assembly Concurrent Resolution No. 69; Assembly Joint Resolution No. 18; Senate Joint Resolution No. 9.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Loux.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Lean.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Steve Suwe and Fred Suwe.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness and Master Trevor Baker.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Jeanne Adams and Jeanine Elliott.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Crunden.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Jones.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lila Macy.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 13, 1991 at 11:00 a.m.
Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 13, 1991

Assembly called to order at 11:09.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, The Reverend Al Tilstra.

O Lord, if ever we need Your wisdom and Your guidance, it is now as this legislative session is attempting to bring closure to this year's business. May the men and women assembled here today continue to look to You for wisdom and understanding in their decisions that will impact so many within this state. We ask in Your Holy Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 600, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 608, 670, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 392, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 391, 408, 439, 473, 474.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 12, 14.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 99, 219, 323.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Getto, Townsend and O'Connell as a first Committee on Conference concerning Senate Bill No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 30—Urging Congress to give Indian tribes jurisdiction over Indians who are not on the official tribal rolls.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Evans, Myrna Williams, Freeman, Giunchigliani, Krenzer, Lambert, Little and Spriggs:

Assembly Concurrent Resolution No. 71—Designating Monday, May 13, 1991, as "Nevada Women in Politics Day."

WHEREAS, The first two definitions provided by Webster's New World Dictionary of "politics" are "the science of government" and "political affairs"; and

WHEREAS, People do not necessarily need to be elected to a public office to be politically active; and

WHEREAS, Women have resided in Nevada and participated in building its communities since the territorial days; and

WHEREAS, Many women were politically active before they were granted the right to vote, such as Hannah K. Clapp who, in 1861, successfully persuaded the Territorial Legislature to allow her to establish the state's first private, coeducational school, and who, in 1875, was awarded the contract to construct the fence that still surrounds the State Capitol and who, in 1895, helped found the Nevada Equal Franchise Association; and

WHEREAS, Reintroduction of legislation in the Nevada Legislature and persistent lobbying by many women from 1869 to 1899 led to legislative approval in 1911 and 1913, and public approval in 1914, of an amendment to the Constitution of the State of Nevada allowing women to vote; and

WHEREAS, Women joined the Legislature almost immediately with the election of Sadie D. Hurst to the 1919 session of the Nevada Legislature, and at least one woman has served in every session of the Legislature, except three, since that time; and

WHEREAS, Women began winning statewide offices in 1916 with the election of Edna Baker to the University of Nevada Board of Regents; and

WHEREAS, Women began seeking Nevada Congressional offices in 1918 with Anne Martin's campaign for United States Senator and began winning federal offices with the election of Barbara F. Vucanovich who has represented Nevada's Congressional District No. 2 in the House of Representatives since 1983; and

WHEREAS, Numerous women have been politically active in Nevada's local governments by serving on school boards, city councils, county commissions and as local officials, such as Clara Dunham Crowell who was appointed Sheriff of Lander County in 1919; and

WHEREAS, Currently, over 170 women serve in elected state, county and local offices throughout Nevada; and

WHEREAS, Many of the women formerly and currently holding office in Nevada have gathered today in Carson City; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby designate Monday, May 13, 1991, as Nevada Women in Politics Day in recognition of the past and present women in politics in Nevada; and be it further

RESOLVED, That the residents of Nevada are hereby urged to recognize the many contributions made by women currently and historically to this state and its political subdivisions; and be it further

RESOLVED, That women in Nevada be applauded for their participation in the political life of the State of Nevada and be commended for their contributions as elected officials of this state.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Lambert, Norton, Krenzer, Anderson, Freeman and Dini.

Assemblyman Krenzer requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Madam Speaker pro Tempore. Today marks a new beginning, if you will, of a tradition that started back in the early 1980's and continued through the mid 80's and then sort of went on a hiatus, a practice that was founded by then Senator Jean Ford and Senator Sue Wagner, now our Lieutenant Governor. The idea of establishing a network for elected women in Nevada was to encourage communication, friendship, sharing of knowledge and information, and of course, in those days, there weren't very many elected women.

Our numbers have grown steadily over time and as the resolution pointed out, we now have in excess of 170 women in elected offices. We also have, of course, with us today, the tribal officials who are also part of the elected network. The purpose of getting together, as I said, is primarily one of sharing of information. We hope that there will be better understanding that can be engendered between state and local officials. I hope that we will all be the better for that. I will make an announcement later regarding other activities today. Thank you, Madam Speaker.

ASSEMBLYMAN LAMBERT:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution. I think it is very appropriate that we have a "Nevada Women in Politics Day," today, and I welcome all the women that are here attending. The women got a later start in this business than most people. We have only had the vote for less than 80 years. Since there are a whole lot of women out there in Nevada that need representation in government, I think we should be very grateful that there are many of us here serving and we should thank all the ladies that came today to visit us.

ASSEMBLYMAN NORTON:

Thank you, Madam Speaker pro Tempore. I rise in support of A.C.R. 71. I think it is very timely and I welcome the women here.

ASSEMBLYMAN KRENZER:

Thank you, Madam Speaker pro Tempore. To you, and through you to Mr. Norton, men have been having a caucus in Nevada for 80 years before we even got here and got the right to vote. I rise in support of this resolution.

In my district, walking door to door, one gentleman asked me why I wasn't home, "barefoot and pregnant." I told him, "Obviously the sun was going down, it was late in the evening." Another gentleman told me, "I don't vote for Democrats and I don't vote for women." So it is interesting the comments we get walking door-to-door as a female in this arena.

I rise in support because I am grateful to those who did take the challenge early on when there weren't even eight of us in the Assembly. I am grateful to them and their pioneering efforts on our behalf. I also want to comment that we are roughly 50 percent female in Nevada and we are represented by less than 20 percent female in this body. I do support them and thank them all for their service and support of this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I rise in support, Madam Speaker, of A.C.R. 71. I note, quite simply, that although the real leaders of our Assembly, who are women are here on the floor, the people who are behind the blue ropes are, indeed, the people who have the greatest effect on what we do every day. The number of lobbyists and the causes they represent are those that are nearest and dearest to me, education and welfare. Those are the things that make this system really work. Now those are real systems and they are real women doing the real hard job of politics. I salute them and I think A.C.R. 71 doesn't go far enough to recognize them.

ASSEMBLYMAN FREEMAN:

Thank you, Madam Speaker pro Tempore. I, also, rise in support of this resolution. Several of the previous speakers have mentioned women just getting to vote in 1921. I remember that when I was a girl growing up, eons ago, in Idaho, my mother served on the school board and that was considered pretty radical at that time for a woman who would be presumptuous enough to think that she could actually do that job. I remember that she probably was the only elected woman official in the county and I know that the women who we see sitting up in the gallery represent city councils, school boards, and water districts. Women are in all areas of government now. I salute you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I rise in support of the resolution. Contrary to public opinion, I was not here when women were granted suffrage. If I had been here, I would have voted for it. I want to commend my supporting team that I have in this body, the ladies that serve with me and the responsible positions that they have assumed. I have three women chairmen, my pro Tempore is a female, and we have Mrs. Evans, the Assistant Majority Leader. I think this is part of a good team and I am especially proud of all those ladies who serve so well in this house. I congratulate each and every one of you.

ASSEMBLYMAN EVANS:

Thank you, Madam Speaker pro Tempore. Order of Business 15. Yes, one of the things I neglected to emphasize since women are very inclusive in the work that they do, it is not only a matter of the women who are present office holders but we would like to draw upon the strength, knowledge and experience of previous office holders. So they are included in this group. We have much to learn from them.

Resolution adopted unanimously.

Assemblyman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 71 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 11:29 a.m.

## ASSEMBLY IN SESSION

At 11:34 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 722—An Act relating to water; providing an expedited procedure for approval of the appropriation of water for environmental purposes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Scherer, Gregory, Petrak, Hardy, Johnson, Elliott, Porter, Gibbons, Bayley, Norton, Carpenter, Anderson, Pettyjohn, Stout, Garner, Little, Wong, Krenzer, Bennett, Marvel, Wendell Williams, Price, Spriggs, Bergevin, McGaughey, Freeman, Lambert, Humke, Spitler, McGinness, Goetting, Arberry, Callister, Myrna Williams, Giunchigliani, Evans and Dini:

Assembly Bill No. 723—An Act relating to licensed drivers; allowing a licensed driver to request to have his name excluded from certain documents and records of the department of motor vehicles and public safety which are made available for private use; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Scherer, Gregory, Petrak, Hardy, Johnson, Elliott, Porter, Gibbons, Bayley, Carpenter, Anderson, Pettyjohn, Stout, Garner, Little, Wong, Bennett, Krenzer, Wendell Williams, Arberry, Price, Heller, Spriggs, Bergevin, McGaughey, Norton, Lambert, Haller, Spitler, Humke, McGinness, Goetting, Callister, Myrna Williams, Giunchigliani, Evans and Dini:

Assembly Bill No. 724—An Act relating to impound accounts; requiring the payment of interest on excess contributions retained in certain impound accounts; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 725—An Act relating to the judicial department; creating the commission on the future of the judicial system in Nevada; establishing the office of the director of the commission; requiring the commission to conduct studies of the judicial system in Nevada; requiring the director to report the findings of the studies to the legislature; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 726—An Act relating to insurance; requiring various policies of insurance to provide an expedited procedure for arbitration to resolve disputes concerning independent evaluations of medical or chiropractic care; requiring certain insurers to make payment for services related to the disputed claim provided to the patient while the dispute is in arbitration; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Goetting and Spitler:

Assembly Bill No. 727—An Act relating to highways; requiring the department of transportation to construct toll booths on interstate highways in this state; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 728—An Act relating to state departments; creating a department of insurance; removing the insurance division from the department of commerce; and providing other matters properly relating thereto.

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

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Concurrent Resolution No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Joint Resolution No. 12 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Senate Joint Resolution No. 12 of the 65th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spriggs moved that Assembly Bill No. 458 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spriggs.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 72—Limiting the number of requests that may be submitted to the Legislative Counsel during the interim for drafting.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 15.

Assemblyman Porter moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 35.

Assemblyman Callister moved the adoption of the resolution.

Remarks by Assemblyman Callister.

Resolution adopted.

Senate Concurrent Resolution No. 48.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry and Wong.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 433:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 433 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 501.

Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Assembly Bill No. 501:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 501 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 520.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 520:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 520 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 433, 501 and 520 be immediately transmitted to the Senate.
Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 36.
Bill read third time.
Remarks by Assemblyman Wong.
Roll call on Senate Bill No. 36:
YEAS—41.
NAYS—None.
Absent—Price.

Senate Bill No. 36 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 193.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 193:
YEAS—40.
NAYS—Elliott.
Absent—Price.

Senate Bill No. 193 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 322:

YEAS—39.

NAYS—Arberry, Wendell Williams—2.

Absent—Price.

Senate Bill No. 322 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

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

Amendment No. 608.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting:

"341.100 1. The board may appoint a manager . [and] *The manager, with the approval of the board, may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services. In addition, the manager may appoint* such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.".

Amend the title of the bill, first line, after "board;" by inserting: "revising the manner of appointment of employees of the board;".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 392, 462, 529, 600, 608, 670; Senate Joint Resolution No. 12 of the 65th Session be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 410 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 392.

Bill read second time.

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

Amendment No. 611.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting:

"2. In developing the standards of performance required by subsection 1, the board shall require each department or other separate entity within the system to establish a mission statement, including appropriate goals and objectives. The objectives must be based on a measurable outcome and provide a means to evaluate the performance of the entity.

3. In addition to the requirements of subsections 1 and 2, the board shall contract with an independent management consulting firm to examine the procedures of the system for processing claims and bills and prepare recommendations concerning methods to increase the efficiency and decrease the response time of the system. The report of the consultant must be presented to the manager of the system for review and implementation. The consulting firm must be selected through a process of competitive bidding.

4. On or before March 1, 1993, the board shall submit a report concerning the effects of the actions taken pursuant to subsections 1, 2 and 3 on the service and efficiency of the system to the director of the legislative counsel bureau for distribution to the 67th session of the Nevada Legislature.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "improve the service and efficiency of the system; requiring the board to contract with an independent management consultant concerning efficiency in processing claims and bills; requiring the board to report the results of the actions taken pursuant to this bill to the 67th session of the Nevada Legislature; and providing".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 462.

Bill read second time.

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

Amendment No. 627.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on January 1, 1992.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 245 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Callister.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 529.

Bill read second time.

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

Amendment No. 587.

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

"Section 1. NRS 616.580 is hereby amended to read as follows:

616.580 Every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents as defined in this chapter, is entitled to receive the following compensation for permanent total disability:

1. In cases of total disability adjudged to be permanent, compensation per month of 66⅔ percent of the average monthly wage. *The compensation is subject to an annual adjustment for increases in the cost of living. The adjustment in compensation for the fiscal year in which the compensation is payable is the initial annual rate of compensation multiplied by the percentage change in the Consumer Price Index. The annual rate of change applied as an adjustment must not exceed 5 percent. The adjustment must be applied to the compensation, as adjusted, paid during the previous calendar year. The rate of change in the Consumer Price Index must be determined by the director and reported to the insurer on or before June 30 for the preceding calendar year. On or before July 31 of each year, the director shall publish the amount of the cost of living adjustment that becomes effective January 1 of the following year. If an injured employee who receives compensation pursuant to this section also receives benefits from federal social security disability insurance, the adjusted annual compensation must be reduced to the extent necessary to avoid a diminution of the federal social security disability benefits. When federal social security disability insurance benefits do not impose a diminution in the payment of the adjustment in compensation, payments must be made to the full extent permitted by this subsection.*

2. Where there is a previous disability, as the loss of one eye, one hand, one foot or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

3. In cases of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the service of a constant attendant, an additional allowance may be made so long as such requirements continue, but the allowance may not be made while the workman is receiving benefits for care in a hospital or facility for intermediate care pursuant to the provisions of NRS 616.410 and 616.415.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; providing an annual adjustment of the compensation for permanent total disability; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides annual adjustment of compensation awarded for permanent total disability. (BDR 53-931)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Bill No. 529 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

Assembly Bill No. 600.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 569.

Amend section 1, pages 1 and 2, by deleting lines 12 through 23 on page 1 and lines 1 and 2 on page 2 and inserting:

"*(c) Negotiable securities held in book entry form through the United States banking system and recorded in the name of the domestic insurer or its nominee by the authorized transfer agency or trustee of the security.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 608.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 670.

Bill read second time, ordered engrossed and to third reading.

Senate Joint Resolution No. 12 of the 65th Session.

Resolution read second time and ordered to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 410.

Bill read third time.

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

Amendment No. 656.

Amend sec. 8, page 2, line 43, after the period by inserting: "*The case load for vocational rehabilitation counselors who conduct full vocational assessments must not exceed 35 active claims.*".

Amend sec. 12, page 4, line 3, by deleting "*an attorney*" and inserting: "*a private attorney or seek assistance and advice from the state industrial claimants' attorney*".

Amend sec. 13, page 4, between lines 15 and 16, by inserting: "*The fees for those services must be established by the agency which provides the services.*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. *1. The system may execute an agreement for the provision of vocational rehabilitation services for injured employees with a private person if:*

*(a) The manager proves to the satisfaction of the administrator that such an agreement is necessary because the system lacks sufficient resources to provide such services for all injured employees presently eligible for them; and*

*(b) The selection of a private person to provide vocational rehabilitation services is made by a competitive bid in accordance with chapter 333 of NRS.*

*2. The manager shall appoint a committee of five persons to oversee the competitive bidding and develop criteria for the selection of a private person to provide vocational rehabilitation services. The criteria must include:*

*(a) A bidder's previous record of successful rehabilitation of injured employees;*

*(b) A bidder's performance on previous contracts entered into with governmental agencies;*

*(c) The estimated cost to the system of the placement of each injured employee in other employment;*

*(d) The kinds of jobs for which a bidder will train injured employees and the average rates of pay for such jobs; and*

*(e) The record of a bidder in placing injured employees in other employment.*

*The successful bidder must be selected based on these criteria. The committee may assign a different value to each of the various criterion.*

*3. The competitive bidding and the records related to the bidding are subject to review by any member of the public upon request.*

*4. The successful bidder must be a person certified to provide vocational rehabilitation services by a national organization recognized and approved by the director.*".

Amend sec. 14, page 4, line 22, by deleting the period and inserting: "*or the payment of compensation in a lump sum for vocational rehabilitation.*".

Amend sec. 15, page 4, line 27, by deleting the period and inserting "*or chiropractor.*".

Amend sec. 15, page 4, by deleting lines 30 through 33 and inserting:

"*3. A self-insured employer shall refer an injured employee who is entitled to compensation for a permanent partial disability to the department for a rating by a physician or chiropractor selected in rotation from the list of qualified physicians or chiropractors designated by the administrator pursuant to subsection 2 of NRS 616.605, according to the order in which their names appear on the list.*".

Amend sec. 16, page 4, by deleting lines 43 and 44 and inserting: "*first determination, the insurer shall reimburse the injured employee for the costs of the second determination.*".

Amend sec. 18, page 5, line 5, after "insurers" by inserting: ", *employers, providers of medical care*".

Amend sec. 18, page 5, by deleting lines 8 and 9 and inserting: "investigating the solvency of insurers and certifying self-insured employers *and third-party administrators* pursuant to NRS 616.291 to 616.298, inclu-".

Amend sec. 18, page 5, line 19, after the period by inserting: "*If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.*".

Amend sec. 19, page 5, by deleting line 39 and inserting:

"*(b) During the course of treatment, the treating physician or chiropractor refers the injured employee for assessment for*".

Amend sec. 19, page 5, line 43, after "*(a)*" by inserting: "*The priorities set forth in section 11 of this act for returning an injured employee to work are followed;*

*(b)*".

Amend sec. 19, page 5, line 45, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 21, page 7, line 2, after the semicolon by inserting "*or*".

Amend sec. 21, page 7, line 5, by deleting "; or" and inserting ". [; or]".

Amend sec. 21, page 7, line 6, by deleting "(d) The" and inserting:

"[(d) The]

*2. The commissioner may impose an administrative fine, not to exceed $500 for each violation, and may withdraw the certification of a self-insured employer if the*".

Amend sec. 21, page 7, line 10, by deleting "2." and inserting "[2.] *3.*".

Amend sec. 28, page 10, line 1, by deleting the brackets.

Amend sec. 33, page 12, line 39, by deleting "*hearing*" and inserting "*determination*".

Amend sec. 33, page 12, line 40, after "*A* request" by inserting: "*for a hearing*".

Amend sec. 33, page 12, line 43, by deleting the period and inserting: "*for a determination.*".

Amend sec. 34, page 13, line 9, by deleting "*an attorney.*" and inserting: "*a private attorney or seek assistance and advice from the state industrial claimants' attorney.*".

Amend sec. 36, page 14, by deleting lines 6 through 40 and inserting:

"Sec. 36. (Deleted by amendment.)".

Amend sec. 38, page 15, line 16, by deleting the period and inserting "*or chiropractor.*".

Amend sec. 38, page 15, line 17, after "*physicians*" by inserting "*and chiropractors*".

Amend sec. 38, page 16, line 8, after "*Physicians*" by inserting "*and chiropractors*".

Amend sec. 38, page 16, line 9, after "*cians*" by inserting "*and chiropractors*".

Amend sec. 41, page 16, line 46, by deleting "or" and inserting "[or]".

Amend sec. 41, page 17, line 3, by deleting the comma and inserting: "[,] *; or*

*(i) Failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 245.

Bill read third time.

The following amendment was proposed by Assemblyman Callister:

Amendment No. 612.

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

"Section 1. Chapter 281 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A peace officer shall not use a choke hold on any other person unless:*

*(a) The agency employing the peace officer authorizes the use of the choke hold by its peace officers in the course of their duties; and*

*(b) The peace officer has successfully completed training in the proper use of the choke hold and holds current certification for its use by the agency which employs him.*

*2. If a law enforcement agency finds that a peace officer has violated the provisions of subsection 1, the peace officer is subject to such disciplinary action as is provided for such an offense by the agency.*

*3. Each agency in this state which employs a peace officer shall adopt regulations which govern whether the use of a choke hold by its officers during the course of their duties is authorized. If an agency authorizes such a use of a choke hold, the agency shall also adopt regulations which specifically address:*

*(a) The manner in which a peace officer, certified for use of a choke hold, is authorized to use the hold in the course of his duties;*

*(b) The manner in which records of training, certification and recertification will be maintained to ensure compliance with any applicable statutory or other related requirements; and*

*(c) The consequences of unauthorized or uncertified use of a choke hold.*

*4. As used in this section:*

*(a) "Choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.*

*(b) "Peace officer" means:*

*(1) Sheriffs of counties and of metropolitan police departments and their deputies;*

*(2) Personnel of the Nevada highway patrol;*

*(3) Marshals and policemen of cities and towns;*

*(4) The bailiff of the supreme court and bailiffs of the district courts, justices' courts and municipal courts;*

*(5) Constables and their deputies; and*

*(6) Any other officer or employee of state or local government upon whom some or all of the powers of a peace officer are conferred by specific statute.*

Sec. 2. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. As a condition of the certification of each peace officer employed by an agency which authorizes the use of a choke hold in the course of his duties, the peace officers' standards and training committee shall require each such peace officer to be trained in the proper use of the choke hold. In addition, the committee shall require annual training and recertification in the proper use of the choke hold if the employing agency continues to authorize its official use.*

*2. The committee shall adopt regulations regarding the minimum training and testing required to comply with the requirements of subsection 1 and the manner in which each such agency shall demonstrate its continuing compliance with the requirements of subsection 1.*

*3. As used in this section, "choke hold" means the holding of a person's neck in a manner specifically intended to restrict the flow of oxygen or blood to the person's lungs or brain. The term includes the arm-bar restraint, carotid restraint and lateral vascular neck restraint.".*

Amend the bill as a whole by renumbering sec. 2 as sec. 3.

Amend the title of the bill by deleting the second line and inserting: "the powers of a peace officer; requiring training and recertification in the proper use of the choke hold for peace officers employed by agencies which authorize the use of the choke hold; requiring those agencies to adopt specific regulations regarding the use of a choke hold and the consequences of unauthorized or uncertified use; and providing other matters".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 320, 517.

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 419, 476, 480.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 320.

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

Motion carried.

Senate Bill No. 419.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 476.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 480.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 517.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 729—An Act relating to child health; requiring the testing of newborn babies for the presence of alcohol or controlled substances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By Assemblymen Scherer, Johnson, Gregory, Anderson, Bayley, Pettyjohn, Hardy, Heller, Lambert, Goetting, Porter, Dini, Bergevin, McGaughey, Stout, Carpenter, Elliott, Little, Garner, Giunchigliani, Spriggs, Norton, Haller, McGinness, Spitler, Humke, Evans, Wendell Williams, Kerns, Krenzer, Marvel, Gibbons, Bennett, Wong, Arberry, Callister, Sader and Bache:

Assembly Bill No. 730—An Act relating to insurance; adding the element of intent to defraud to certain offenses relating to a false claim for insurance benefits; revising the penalty for certain offenses relating to a false claim for insurance benefits; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Scherer, Anderson, Bayley, Pettyjohn, Hardy, Heller, Freeman, Goetting, Garner, Giunchigliani, Haller, Norton, Spitler, Porter, Evans, Wendell Williams, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Arberry, Callister and Bache:

Assembly Bill No. 731—An Act relating to water; authorizing the state engineer to set minimum stream flows; requiring certain counties to implement water conservation measures in building codes; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 152; Senate Bills Nos. 99, 219, 301, 323; Assembly Concurrent Resolution No. 70; Senate Concurrent Resolution No. 45.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathie McLean, Nancy Carr and Marion Pinkerton.

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jerry Falkenstein and the following students from Carson Valley Middle School: Adrienne Alder, Eric Bodenstein, Erik Bricker, Sunnie Burkhardt, Lisa Ethridge, Brandon Fusano, Russell Green, Jena Hathhorn, Anthony Irby, Hannah McIntosh, Marisa Adams, Jerrad Atkin, James Barrett, Lisa Boren, Heather Carrillo, Brady Clark, Karrie Cole, Amy Escamillo, Julianna Gore, Benjamin Larson, Jared Manning, Brian Moosburner, Michael Paluch, Justin Pinochi, Paul Vandiver and Katie Zedalis.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Peggy Bowen, Frankie Sue Del Papa, Jill Derby, Cheryl Lau, Yvonne Shaw, Sue Wagner, Iris Bletsch, Belle Bundy, Barbara Errecart, Donna Giles, Dede Goodnight, Maire Hayes, Maggie Lowther, Pat Lynch, Celeste Hamilton, Dorothy Nash Holmes, Marian McClellan, Karen Ostrow, Barbara Reed, Leonora Kizer, Anita Collins, Patty Cafferata, Thelma Calhoun, Helen Foley, Jean Ford, Roberta Gang, Peggy O'Neill, Janice Pine and Jean Stoess.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Michelle Dilwith.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Maxine Emm and the following students from the Bordewich School, Carson City: Juan Alegria, Herbert Bacon, Jonathan Brekken, Michael Busby, Kyle Clinkenbeard, Josh Curtis, Brett Jones, Jason Jorgensen, James Petersen, Jon Velasquez, Shannon Jensen, Damien Niko, Daniel Blanchard, Natalie Best, Karen Etchison, Siobhan Holcomb, Brandee Humphrey, Tabatha Jensen, Krista Layland, Connie Thompson, Sara Zipf, Shasta Mathews, Kelly Reyos, Ruth Lozano, Melissa Sales and Crystal Ruybal.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karrie Cole.

On request of Assemblyman Wong, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. W. Phil Leggett.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 14, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 14, 1991

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Our Father, as we seek Your blessing, remind us that we cannot deceive ourselves. We dare not devise our own plans and draft our own schemes and then have the nerve to ask You to bless them, for we know that there are some things that You cannot and will not bless. And unless Your blessing accompanies what we do here, we waste our time. So guide us in what we propose so that You can bless us in what we produce. Through Your mighty name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Senate Bills Nos. 31, 453, 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 609, Assembly Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 343, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 71.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Shaffer, Townsend and O'Connell as a first Committee on Conference concerning Senate Bill No. 196.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen McGinness, Bayley, Stout, Little, Bergevin, Haller, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson, Scherer, Spitler, Humke, McGaughey, Sader, Spriggs, Giunchigliani, Norton, Heller, Hardy, Garner, Elliott, Carpenter, Petrak, Bennett, Krenzer, Kerns, Wendell Williams, Evans, Porter, Gregory, Johnson, Arberry, Wong, Gibbons, Marvel, Callister, Price, Dini and Myrna Williams:

Assembly Concurrent Resolution No. 73—Congratulating the I. H. Kent Company on its 100th year of continuous operation by members of the Kent family.

WHEREAS, A name synonymous with Churchill County is that of the I. H. Kent Company, founded 100 years ago in the then county seat of Stillwater; and

WHEREAS, In 1879, Ira H. Kent met and married Mary Kaiser from Churchill County, and together they opened and operated a mercantile store in Stillwater; and

WHEREAS, Mary also worked as the postmistress and Ira as a rancher and county recorder; and

WHEREAS, When the county seat moved to Fallon, the Kents moved their store to Fallon, aware that the Newlands Irrigation Project would significantly increase their business; and

WHEREAS, Agriculture and mining flourished in the area and the I. H. Kent Company would often haul supplies and equipment to Rawhide, Wonder and Fairview; and

WHEREAS, Fallon's Hearts of Gold melons became renowned in the eastern and midwestern portions of the United States primarily because of the efforts of the I. H. Kent Company; and

WHEREAS, For many decades, the Kent family thanked their loyal customers by staging a pumpkin pie festival at their store where they honored and served food to residents of Fallon; and

WHEREAS, The I. H. Kent Company has been owned and operated by a member of the Kent family for an entire century going back to 1892 when Ira and Mary Kent first opened their business which was taken over by their son Ira L. Kent and is currently operated by Ira's two sons Tom and Bob; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature commend the Kent family for their persistence, dedication and hard work which enabled them to maintain a successful mercantile, lumber and grocery business for the past 99 years; and be it further

RESOLVED, That congratulations are extended to this remarkable family on their 100th year of continuous operation of the I. H. Kent Company in 1992; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bob Kent who continues to manage the supermarket and real estate development, and Tom Kent who is in charge of building materials, hardware and feed.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblymen McGinness and Carpenter.

Resolution adopted unanimously.

Assemblyman McGinness moved that all rules be suspended and that Assembly Concurrent Resolution No. 73 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Labor and Management:

Assembly Concurrent Resolution No. 74—Directing the Department of Industrial Relations to strengthen its enforcement of law which requires employers to post certain notices and records.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Labor and Management.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Garner, Arberry, Callister, Bennett, Porter, Norton, Evans, Wendell Williams, Krenzer, Myrna Williams and Giunchigliani:

Assembly Bill No. 732—An Act relating to the state executive department; removing the requirement that the governor appoint the executive director of the commission on economic development and the executive director of the commission on tourism from a list of three persons submitted by each commission respectively; providing that the executive directors of those commissions serve at the pleasure of the governor; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 608.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 608:

YEAS—42.

NAYS—None.

Assembly Bill No. 608 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 670.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 670:

YEAS—42.

NAYS—None.

Assembly Bill No. 670 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12 of the 65th Session.

Resolution read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Joint Resolution No. 12 of the 65th Session:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 12 of the 65th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Callister, McGaughey, Porter, Dini, Carpenter, Myrna Williams, Elliott, Giunchigliani, Norton, Heller, Scherer, Bayley, Haller, Evans, Wendell Williams, Krenzer, Bennett, Petrak, Gregory, Price, Arberry, Goetting, Bache, Anderson and Pettyjohn:

Assembly Bill No. 733—An Act relating to oil companies; allowing the public service commission of Nevada to monitor and regulate certain practices associated with the pricing of petroleum and petroleum products distributed by an oil company; prohibiting certain acts by an oil company concerning the unfair setting or changing of prices and other discriminatory trade practices; clarifying the jurisdiction of the public service commission

over an oil company's trade practices; imposing an annual assessment upon oil companies; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Commerce.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 485, 552, 553, 566, 609; Assembly Joint Resolution No. 21; Senate Bills Nos. 31, 453 and 454 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 75—Congratulating Nevada students on their success in the first Nevada History Day competition.

WHEREAS, Nevada held its first Nevada History Day competition on May 4, 1991; and

WHEREAS, Eighteen students from Nevada scored sufficiently high to be awarded scholarships for travel to the National History Day competition in Washington, D.C. during the week of June 9 through June 13, 1991; and

WHEREAS, The Nevada 125th Anniversary Commission and National History Day, Inc., funded scholarships for students to travel to the National History Day competition; and

WHEREAS, Josh Watson achieved the highest total score and was awarded "Outstanding Entry"; and

WHEREAS, Dennis Crawford, Andrew Watson and Josh Watson represented Carson City, Nevada, and won first place in their categories; and

WHEREAS, Theresa Ellis, Emmy Massey and Peggy Nickerson represented Dayton, Nevada, and won first place in their categories; and

WHEREAS, Laura Hage, Robert Hill, Paul Lobdell, Therese Mulhern and Kristin Phinney represented Tonopah, Nevada, and won first place in their categories; and

WHEREAS, Erin Atkinson, Amy Bobo, Melissa Colen, Brie Hurlburt, Jenny Johnson, Jacquelyn Lewis and Amy Porray represented Las Vegas, Nevada, and won first place in their categories; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby congratulate these fine students on their achievement in the state competition and wish them success in the national competition in Washington, D.C.; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each of these Nevada students.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted unanimously.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 734—An Act relating to domestic violence; creating the office of the advocate for victims of domestic violence in the office of the

attorney general; requiring certain counties to establish a commissioner to issue temporary orders for protection against domestic violence; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 100.

The following Senate amendment was read:

Amendment No. 557.

Amend section 1, page 1, lines 22 and 23, by deleting: "*24 of the 36 improved*" and inserting "*30*".

Amend section 1, page 2, by deleting lines 6 through 8.

Amend sec. 2, page 2, line 36, by deleting: "*24 of the 36 improved*" and inserting "*30*".

Amend sec. 2, page 2, by deleting lines 43 through 45.

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 100.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

## SECOND READING AND AMENDMENT

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 657.

Amend sec. 32, page 11, line 32, by deleting: "July 1, 1991." and inserting: "January 1, 1992.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 662.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*services to:*

*(a) The patient directly;*

*(b) The responsible insurer or other third-party payor; or*

*(c) The hospital, public health clinic or nonprofit health clinic.*

*Except as otherwise provided in subsection 3, the laboratory*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 546.

Amend section 1, page 1, by deleting lines 8 through 10 and inserting: "license in this state; [or

(d)] *(b)* A security issued by a holding company [of such a corporation other than a corporation whose stock is publicly traded,] *that is not a publicly traded corporation;*

*(c) A security issued by a holding company that is a publicly traded corporation, if the enforcement of the security interest will result in the creditor acquiring control; or*

*(d) A security issued by a partnership which is a holder of a gaming license in this state,*".

Amend section 1, page 1, line 19, by deleting "3." and inserting "[3.".

Amend section 1, page 1, line 20, by deleting "devices." and inserting "devices.]".

Amend sec. 2, page 2, line 32, by deleting "*supervisor*" and inserting "*fiduciary*".

Amend sec. 4, page 3, line 18, by deleting: "*has been conveyed to*" and inserting: "*or the ownership thereof has been conveyed or transferred to*".

Amend sec. 4, page 3, line 26, by deleting: "[names of two] *name of one*" and inserting: "names of two".

Amend sec. 4, page 3, line 28, by deleting "supervisor." and inserting: "supervisor [.] *unless, in the opinion of the commission, only one person is available who is qualified to serve, in which case the commission may name only that person.*".

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section, designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 463B.110 is hereby amended to read as follows:

463B.110 1. A supervisor is subject to the provisions of chapter 463 of NRS and any regulations adopted pursuant thereto as if he were personally licensed to operate the gaming establishment.

2. The court which appointed the supervisor has jurisdiction over all powers and duties of the supervisor in any proceeding relating to the exercise of those powers and duties, and may issue any order or decree in the proceeding which it deems necessary.

*3. After the court appoints a supervisor the gaming license of the establishment shall be deemed transferred and the previously licensed operation shall be deemed a continuing operation.*".

Amend sec. 5, page 4, line 14, after "*suspension*" by inserting "*or revocation*".

Amend sec. 6, page 4, line 31, by deleting: "[names of two] *names of one*" and inserting: "names of two".

Amend sec. 6, page 4, line 33, by deleting "supervisor." and inserting: "supervisor [.] *unless, in the opinion of the commission, only one person is available who is qualified to serve, in which case the commission may name only that person.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 566.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 610.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "*the legislature shall adjourn for 16 days before the 56th calendar day of the regular session. During this*".

Amend section 1, page 1, line 16, after "*determine*" by inserting: "*the dates of the 16-day adjournment required by subsection 1,*".

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

"Sec. 2. NRS 218.912 is hereby amended to read as follows:

218.912 1. "Lobbyist" means, except as limited by subsection 2, a person who [appears] *:*

*(a) Appears* in person in the legislative building [and communicates] *or any other building in which the legislature or any of its standing committees hold meetings; and*

*(b) Communicates* directly with a member of the legislative branch on behalf of someone other than himself to influence legislative action whether or not any compensation is received for the communication.

2. "Lobbyist" does not include:

(a) Persons who confine their activities to formal appearances before legislative committees and who clearly identify themselves and the interest or interests for whom they are testifying.

(b) Employees of a bona fide news medium who meet the definition of "lobbyist" only in the course of their professional duties and who contact members of the legislature for the sole purpose of carrying out their news gathering function.

(c) Employees of departments, divisions or agencies of the state government who appear before legislative committees only to explain the effect of legislation related to their departments, divisions or agencies.

(d) Employees of the legislature, legislators, legislative agencies or legislative commissions.

(e) Elected officers of this state and its political subdivisions who confine their lobbying activities to issues directly related to the scope of the office to which they were elected.

(f) Persons who contact the members of the legislature who are elected from the district in which they reside.

Sec. 3. NRS 218.926 is hereby amended to read as follows:

218.926 1. Each registrant shall file with the director within 30 days after the close of the legislative session a final report signed under penalty of perjury concerning his lobbying activities. In addition, each registrant shall file with the director between the 1st and 10th day of the month after each month that the legislature is in session a report concerning his lobbying activities during the previous month [.] , *whether or not any expenditures were made.* Each report must be on a form prescribed by the director and must include the total expenditures , *if any,* made by the registrant on behalf of a legislator, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant.

2. If his expenditures during the previous month exceed $50, the report must include a compilation of expenditures, itemized in the manner required by the regulations of the legislative commission, in the following categories:

(a) Entertainment;

(b) Expenditures made in connection with a party or similar event hosted by the organization represented by the registrant;

(c) Gifts and loans; and

(d) Other expenditures directly associated with legislative action, not including personal expenditures for food, lodging and travel expenses or membership dues.".

Amend the title of the bill to read as follows:

"An Act relating to the legislature; requiring the legislature to adjourn for a certain time during the regular session; authorizing the director of the legislative counsel bureau to make necessary arrangements in preparation for the adjournment; making various changes regarding the registration of lobbyists; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 609.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 21.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 31.

Bill read second time and ordered to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 454.

Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing Mr. Robert S. Turner, National Commander of the American Legion.

Assembly in recess at 11:26 a.m.

## ASSEMBLY IN SESSION

At 11:57 a.m.
Mr. Speaker presiding.
Quorum present.

### REMARKS FROM THE FLOOR

Assemblyman Porter requested that the following remarks be entered in the Journal.

MR. ROBERT S. TURNER, *National Commander of the American Legion:*

Thank you, very much, Lieutenant Governor Wagner; Speaker of the Assembly, Joe Dini; President pro Tempore, Joseph Neal and distinguished members of the Nevada Legislature and ladies and gentlemen. I am certainly honored by your invitation to talk to you today. I am well aware of your busy schedule as you go about doing the business of the great State of Nevada. So, I am grateful for this opportunity to share some thoughts with you this morning.

As I travel across this wonderful land of ours visiting American Legion Posts in cities and towns everywhere, I am tremendously struck by the great surge of patriotism and pride in America that is so evident these days. Everywhere I go, I see American flags, red, white and blue banners and yellow ribbons flying from lamp posts and store fronts and homes on every street.

Americans have been waiting a long time for a chance to, once again, show their patriotism and pride in our nation. Finally, it took the magnificent job of some brave men and women who served so gallantly and so well in Operation Desert Storm and the Persian Gulf to do it. We are all very proud of our country and we are also very proud of our leaders—the President, Secretary of Defense Cheney, Generals Powell and Schwarzkopf, and all those who acted so strongly and decisively to stop aggression, to restore freedom in a defenseless country and once again show the world that America and the American flag, stands for what is right. We are also proud of one of your own, State Assemblyman and Lieutenant Colonel Jim Gibbons, who took part in Operation Desert Storm. Jim, we thank you for the contribution that you made to the war effort and we welcome you home again.

I believe that we can safely say that no one, except a few misguided ones, would dare burn an American flag today, especially in front of the brave men and women who served in Desert Storm. Here I want to congratulate you and to thank you, the members of the Nevada State Legislature for your swift and forthright action in becoming the first state in this country, in 1991, to pass that "Memorializing Resolution" asking the United States Congress to pass a bill for a constitutional amendment to protect the American flag from physical desecration. On behalf of the National American Legion Organization, I thank you.

I am told that soon after you convened in January, such a resolution was introduced and passed unanimously by both houses in short order. Your current session was barely two weeks old when the Governor signed the bill in a ceremony here on the Capitol grounds, complete with a military flyover and an enthusiastic crowd of Legionnaires and good Americans.

Please permit me to recognize some of the members of the American Legion and your own body who worked so hard to achieve this goal. The Nevada American Legion, "Save Our Flag," project was organized and guided by Department Commander Dale Salmen, and a committee made up of the National Executive Committeemen: Archie Pozzi, a former colleague of yours here in the Chamber; Eureka County District Attorney William

Schaeffer; Clark County State Senator Bob Coffin; Geraldine Connolly from North Las Vegas; and also the Secretary Treasurer of the Nevada American Legion Auxiliary. They did a tremendous job in organizing and informing Legion Posts and auxiliary units all over the state, collecting over 5,000 signatures on petitions, getting excellent publicity, working with "KICK Radio" in Reno on that project to wrap a 25-mile-long yellow ribbon around the town, and especially meeting and contacting all of you legislators to let you know how Nevadans and certainly how all Americans feel about our flag.

As I told our State Commander Salmen in a recent letter that I wrote to him, the Nevada Department of the American Legion has done an outstanding job in setting the example for our organization in its nationwide campaign to protect the United States flag. So far, I understand that there are ten states that have passed the resolution this year. Combined with those which carry over from the last couple of years, that makes 15 states which have now cleared the resolution. Eleven others have moved a resolution through at least one chamber. Remember, of course, that we need 38 states to memorialize Congress to pass an amendment proposal and 38 states to ratify.

Once again, I congratulate the Nevada Legislature for being first in the nation to lead the way in telling Congress to do the right thing and to permit the people themselves to ratify an amendment as the Constitution, itself, prescribes. On behalf of the American Legion of the State of Nevada, I am pleased this morning to present a plaque to this Assembly to show our appreciation and I want to read it. It says, "In appreciation to the Nevada Legislature. Number one among the 50 states in passing a resolution (Senate Joint Resolution 5) protecting 'Old Glory' from desecration. Congratulations and heartfelt thanks from The American Legion," and signed by myself and "Presented to the Nevada Legislature in Joint Session in Carson City, Nevada, May 14, 1991."

A few moments ago, I talked about that wave of patriotism and pride that is sweeping our country and how it is due to the actions of the brave men and women who served in the Persian Gulf. We are all so prayerfully thankful that the hostilities were brought to such a swift conclusion and with such relatively few casualties. Two hundred and sixty-three Americans died in Operation Desert Storm—145 of them in combat. Included were brave women as well as men. No one, especially those who have fought, wants war or the tragic loss of life that war brings. As General Schwarzkopf said, "Even one soldier's life is one too many." But now the entire country is anxious to welcome the troops home and let them know that a proud and grateful nation appreciates what they have done. There are many of those "Welcome Home" ceremonies and celebrations already taking place. As I travel about the country, I continue to encourage Legion Posts to be in the forefront of those local celebrations in their own cities and towns across America during the 21-day "Honor America" period which falls between Flag Day and Independence Day on July 4th.

The American Legion is proud to have a leadership role in conceiving, planning and organizing the official national victory celebration to show our pride in the outstanding service given to this country and to the cause of freedom by the young men and women who served in Operation Desert Storm. But while we welcome these troops home, we veterans know only too well the problems they face as they return to civilian life and the readjustment and rehabilitation that is necessary.

As the largest organization of wartime veterans, almost 3.1 million strong, the American Legion is ready to face the job that we were created to do—to make sure that this newest generation of wartime veterans receives the care and benefits that they so truly deserve, just as their fathers and grandfathers who fought for this country before them.

Two weeks ago, I announced that the American Legion National Executive Committee had approved a resolution calling for a new G.I. bill for Desert Storm veterans. The proposed legislation would more than double the amount of benefits that veterans now receive for education and training after they leave the military.

Our proposal calls for a monthly education payment to veterans of $777. This amount is about 90 percent of the average educational costs at state-supported colleges. Under the

current Montgomery G.I. bill, payments are $350 a month. That's only about 42 percent of the average cost of an education at a state university according to the Congressional Research Service. That's just about what the veterans received 20 years ago, after Vietnam. But there is another major difference. Today's veterans must contribute up to $1,200 in order to participate in the program. We think the requirement for a contribution is certainly immoral. Three generations of wartime veterans received upwards of 100 percent of their education paid for. They didn't have to contribute one dime to that. What they contributed was their loyal service to a grateful nation.

To make this new generation of veterans pay for less than one-half of what their fathers and grandfathers got, certainly cannot be defended. If the nation is willing to pay more than $1 billion per day to fight a war, the least it can do is provide less than a week's worth of that amount to educate and train the veterans who risked everything for the cause.

Some of you in this Chamber may have gone to college or received training under the original G.I. bill, but did you know that the American Legion was the prime author and mover of the G.I. Bill of Rights back in 1944? Oh, yes, the legislation was controversial. We had a fight on our hands to get it through. It took us more than just one session, but the merits of the argument won as they subsequently did in the Korean and Vietnam eras. As a result, many deserving Americans were afforded an education not otherwise available to them and the proof was clear. The cost of educating the veterans of those conflicts has been more than repaid through increased income taxes paid by these successful citizens. Congress and the Department of Veterans' Affairs estimate that the investment has been returned twenty-fold.

As wartime veterans, these returning Desert Storm troops will soon be eligible to belong to the American Legion, the world's largest and fastest growing veterans' organization. As you may know, that is the only requirement for membership in the American Legion—that one served honorably on active duty during a period of wartime.

I ask that you would please help us to let all those new veterans know that there is already a resolution in process to ask Congress to permit the Legion to enroll anyone who served on active duty during the Desert Storm period beginning on August 2, 1990. The government will determine the closing date of that period. I feel certain that Congress will amend our Charter and give the American Legion that opportunity. Just last year, the Legion opened its membership to those who served during the conflicts in Lebanon, Grenada and Panama. Some who served then most probably served in Desert Storm. We appreciate these new veterans and the American Organization is a growing organization. Now with over three million members, we are at a 42-year high in membership and we'll be happy to start signing up the newest eligibles real soon.

Of course, some troops will have to remain overseas for some time and will need the support of their families here at home and that does not mean simply that the war is over. Last fall, as the military build-up and deployment for Desert Storm began, thousands of National Guardsmen and Reservists were called to active duty. They and regular military units were deployed to the Persian Gulf or to bases elsewhere, all over the world. That meant separation from home and families and that meant problems that would be hard to cope with. Who knows better than veterans what this is all about.

Last October, we made it possible for any military family member to dial a nationwide toll-free telephone number, 1-800-786-0901, and within 48 hours a member of the American Legion or the American Legion Auxiliary who lived in the vicinity or nearby to this family would call and give a neighborly helping hand. This would entitle the families to the support network of the American Legion, the only nationwide system to assist families of military personnel deployed due to Operation Desert Storm. Since it began on October 11 of last year, our family support "Help Line" has received over 30,000 telephone calls. As I said, there is still a need for the family support family network and it will remain in operation even after the troops come back and start getting readjusted.

Beginning with the day that America drew the line in the sand, the American Legion has stood by our Armed Forces and supported their efforts in the Gulf. While they were there for us, we were here for their families and we will be here when all of them come home.

The new influx of veterans as well as the growing population of aging veterans, is going to be a big impact on the VA medical system. As a matter of fact, it already is. Nevada's VA facilities cannot afford any further cutbacks in staff or equipment for veterans' health care, and neither can any other state in the nation. That's why the American Legion has and will continue to be in the forefront of the battle for adequate funding for the Department of Veterans' Affairs. Allow me to pose a question to you. What if Nevada did not have the two VA facilities? Where would the 147,000 veterans in this state go to get their health care and who would pay for it?

In fiscal year 1990, just a single year, a total of over $146 million came into Nevada for veterans' health care, facilities and compensation and pension payments. Those are federal tax dollars, a portion of which you people in Nevada pay. But look at the payback on those tax dollars in terms of money that is put into the state's economy due to veterans' benefits. We believe that it is a smart investment.

Earlier, I spoke to you about the great surge of patriotism that is enveloping the country, the reawakening of the American spirit and pride in the nation and its institutions. The evidence is abundantly clear, the universal display of the American Flag on every lamp post, home, office, school and factory all across this land. I can assure you that when our troops carefully waded through the mine fields in Kuwait, when they dodged the artillery shells in northern Saudi Arabia, and when they charged curtains of bullets in Iraq, they weren't led by the desire to see their national flag turned into a smoldering pile of ashes. Two hundred and sixty-three Americans did not travel 10,000 miles, far from their homes and loved ones, so that others would have the political right to burn the flag that draped their coffins when they returned home.

When I visited Saudi Arabia last year on the eve of the war, I saw the flag waving over many desert outposts. I talked to troops who proudly wore the flag patches on their uniforms. There was no lack of clarity in how they felt about the red, white and blue. They loved that flag and all that it meant to them. Like Americans who served before them, it was the flag that represented all that they had pledged to fight for and to defend.

The best way I can think of to welcome home our troops and to show them how proud we are is to win this fight to protect the flag that they fought for. You, in the Nevada Legislature, have led the way in that. Let's show them that it is no longer unpopular to be patriotic. Let's demonstrate that our willingness to support them and all veterans is not stifled by some guilt from an unpopular war two decades ago. It is as if a great burden has been removed from our consciences. The spirit and patriotism were always there.

Thanks to the gallant young men and women of Desert Storm, who stood tall for their country, we can hold our heads up high once again. When we sing the "Star Spangled Banner" and "God Bless America," it's okay now to get a lump in our throat. Once again, we can fly our American flag high and proud for we are, indeed, proud to be Americans. I thank you all so very much for your time and what you have done for this great country of ours. Thank you.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Goetting (by request):

Assembly Bill No. 735—An Act relating to real estate; prohibiting provisions in certain listing agreements that require sellers to warrant that the information on the agreement is accurate and that the seller holds the real estate broker harmless; requiring listing agreements to provide that the real estate broker represents that he has confirmed the accuracy of the information on the agreement; and providing other matters properly relating thereto.

Assemblyman Goetting moved that the bill be referred to the Committee on Commerce.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Spitler requested that Assemblyman Goetting's remarks be entered in the Journal.

Thank you, Mr. Speaker. I have as my guest today Mr. William Petracek, almost Petrak but not quite, and Mr. Rob Richardson. Both are paramedics with Mercy Ambulance in Las Vegas and appear today as a reminder that the week, May 12-18, is Emergency Medical Services (EMS) Week.

Emergency Medical Services Week is a week set aside to honor the men and women of emergency medicine who forsake their comfort and safety to aid the life of a stranger. This includes EMT's, paramedics, Emergency Room nurses and physicians.

The national EMS week observance is sponsored by the American College of Emergency Physicians to promote health, safety and the advances of emergency medicine. Emergency medicine was recognized as the 23rd medical specialty in 1979, and is the practice of evaluating, stabilizing and treating life and limb-threatening illnesses and injuries.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 391, 408, 439, 473, 474; Senate Bill No. 390; Assembly Concurrent Resolutions Nos. 12, 14; Senate Concurrent Resolutions Nos. 44, 47.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jerry Falkenstein, Mrs. Sandy Girdner and the following students from Carson Valley Middle School: Erik Allbee, Bradley Benson, Wesley Brogan, Trisha Brown, Nathan Girdner, Kevin Hickey, Diana Higuera, Sherrie Howell, Jolene Kirk, Claudia Lind, Anthony Perry, Dixie Ramirez, Natalie Reich, Jeffrey Remington, Cynthia Toney, Heather Tremlin, Gavin Ward, Kristi Wheeler, Jennifer Isaaks, Alisha Manlove, Kathleen McLaughlin, Leah Sturgis, Sarah Untereiner, Angela Wright and Jessica Zimmerman.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. William Petracek and Robert Richardson.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Little.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Kent, Ms. Eleanor Kent, Messrs. Bob Kent, Smiley Kent, Stephen Kent, Mss. Karla Kent Mayfield, Mayla Kent, Kimberly Kent, Cyndi Dillon and Mr. Cole Dillon.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Morgan, Mss. Cheryl Beeman and Ashley Beeman.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 15, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 15, 1991

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Our Father, we come this morning with a real sense of need. Since we cannot always do what we like, grant that we may like what we do, knowing that truth will one day be vindicated, and right, in the end, will prevail. Bless these men and women in the work they are about to do today and keep them in Your peace. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 248, 567, 571, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 73.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 736—An Act relating to public transportation; requiring a regional transportation commission to provide for free transportation for the elderly and the handicapped; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 737—An Act relating to statutes; defining certain terms and drafting conventions for the purposes of the Nevada Revised Statutes; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 738—An Act relating to punishment for crime; providing for the intensive supervision of qualified offenders outside of prison; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Little (by request):

Assembly Bill No. 739—An Act relating to public works projects; revising the provisions governing the preference given to local contractors on public works projects; and providing other matters properly relating thereto.

Assemblyman Little moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 740—An Act relating to education; requiring the superintendent of public instruction to maintain an office and certain staff in

each county whose population is more than 400,000; requiring the allocation of personnel to such an office according to population; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 741—An Act relating to felons; requiring a person who is convicted of a felony to pay the costs of the criminal investigation and prosecution; authorizing the attorney general to bring an action against such a person to recover the cost of caring for him while he is in the custody of the department of prisons; creating a lien in favor of the department for the cost of such care; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Arberry, Wendell Williams and Price:

Assembly Bill No. 742—An Act relating to gaming; requiring the Nevada gaming commission to take disciplinary action against a gaming licensee who violates certain state or federal laws relating to labor relations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Krenzer moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:27 a.m.

## ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 254, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 410 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblymen Wendell Williams and Petrak.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. Assembly Bill 245 requires each agency which employs a peace officer and which authorizes choke holds, to adopt regulations that address the use of the hold, the maintenance of training and certification records and the consequences of unauthorized or uncertified use. The Peace Officers Standards Training Committee is required to adopt regulations on minimum training and testing requirements and on the agency compliance procedures. The committee is directed to require annual training and recertification for authorized users of the choke hold. Mr. Speaker, Order of Business Number 15.

Thank you, Mr. Speaker. I would like to first thank the chairman of the Judiciary Committee, as well as the members of that committee for their understanding as well as their understanding of the sensitivity of this issue. This bill was introduced back in January and we debated this issue back and forth and the committee has been very understanding on this particular issue. I appreciate the total indulgence of their attention in addressing this matter which has come to be a very complex issue. Clearly, I understand that law enforcement officers are sometimes confronted with situations where they require the use of control to carry out an arrest. However, the definition of the word "hold" means to grasp and to restrain, and the definition of "choke" is to deprive the power of breathing by stopping the passage of one's breath to his lungs or to his brain. I would submit that there is a distinct difference between holding a person and choking a person. It is my belief that you can't do both. Either you are going to restrain a person or you are going to choke them to death and cut off their air supply. When a peace officer applies a choke hold, the question comes, "What is he really attempting to do?" Are they trying to actually choke him or are they trying to hold him? Unfortunately, we've found that in too many cases we've ended up with a peace officer actually holding a dead person. The question is, "Is not a man's life worth the same whether he is in a uniform or whether he is not in a uniform?" With all the revenue and tax dollars that we've given to law enforcement, have we not advanced as a society to where we do not have to choke a person and remove the life out of his body just to restrain him?

As you see in the amendment, in Section 2, Subsection 3, we are actually supposed to be holding a person and restraining a person and not killing people. Most police departments recognize a ladder of escalating force that usually runs from six basic steps. They start off with verbal commands and run down to deadly force. If the choke hold is used to restrain a person, why is it not listed under restraints, which is usually number 3 on that ladder of force? Why is it under injurious weapons? I would submit that the choke hold is actually deadly force. In fact, most police departments instruct their officers that the use of the choke hold should be the last means prior to the application of deadly force.

In this country, today, we find that there are so many problems with police and community relations that the United States Attorney General has now ordered a nationwide review of police misconduct cases reported to the Justice Department in the number of 15,000 cases which would make one wonder with a tactic like the choke hold, which is not authorized by most police departments, why law enforcement would be fighting and defending their right to use it. I would submit also that when someone wraps his arm around your neck and threatens your air supply that goes to your brain or to your lungs, there is absolutely no difference than someone wrapping their arm around your neck and placing a gun to your head.

My original intent was to ban its use because there are a number of problems that have not been proved and a number of problems which have not even been identified and resolved by the top medical professionals throughout this country. The reasons very briefly, I would list. Some individuals suffer from pre-existing respiratory problems that

can result in serious medical problems with being choked. There is no way an officer can know that these people have those problems before he chokes them. Some individuals suffer from pre-existing heart conditions that can result in heart failure upon being choked. Choke holds, if applied improperly, have caused death and paralysis. They have caused permanent, abnormal brain waves for many people who have been choked and even lived. Due to the dynamics of aggressive struggle, there is no way that an officer can correctly hold a person's neck and really monitor how much pressure is actually being placed on it. As a matter of fact, the Supreme Court recently ruled that any arrestee, any person who has been arrested, has a right to give some resistance. It is difficult for an officer to monitor and at the same time control the amount of pressure on the neck.

In several instances, unexplained deaths have followed, supposedly, the proper use of a choke hold. This phenomenon, known as death syndrome is not fully understood by research. In Reno, in 1987, a person died while being choked by a police officer. As we saw last week, the mother of that person was awarded $150,000 in the settlement. An interesting point about that situation is that particular person's body was sent to Idaho for an autopsy and when the body came back, the throat was missing, and to this day no one knows where that throat is.

In Las Vegas, the Metropolitan Police Department reported to the Judiciary Committee that they stopped the authorization of the choke hold over 15 years ago. They also reported that very few of their officers even know how to properly use the choke hold. Still they use it and still people have died from it. The most interesting factor is none of these people were taught how to use it in the Academy.

Mr. Speaker, based on the information available, it is obvious with issues like this, which are normally addressed within jurisdictions and local entities, that we must at least address this issue that is hanging out there, that nobody wants to teach, nobody wants to train, nobody wants to back up the use but are still instructing their officers to use it. It is un-American for a police officer to squeeze his arm around someone's neck, thus becoming at that moment, the judge, the jury, the prosecutor, and in too many cases, the executioner. To arrest a person is to charge a person, to find out if he is guilty or innocent, not for an individual officer to decide to be a judge and be a jury and in many cases be the executioner. Quite simply, Mr. Speaker, what was a rope, I guess in 1891, has translated into the choke hold in 1991.

We, as legislators, are commissioned to represent the will and interests of the people, not the will of special interests. We cannot, in the best interest of the people of the state, continue to grant a nonrestricted license to kill. It is not in our best interest. I would submit, in the spirit, I guess, they call compromise, that we pass this bill and at least attempt to begin to address this atrocity. Until we find out from medical professionals how detrimental this is to people—because everyone's body and systems are different—and what effect this really has on people, we really should ban it. But, we need to pass this bill because we cannot allow what has happened during the past 15 to 25 years to continue to happen where law enforcement agencies have not authorized the use, do not teach it to their officers, but allow them to use it and then come back and defend them after they have killed someone or harmed someone. Mr. Speaker, all things that are political may not be right, but I would suggest that all things that are right will someday be political, and that day will come. This is simply the first step until we get to that day. Thank you.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, I rise in support of A.B. 245, as amended. As you see in the amendment, it's going to take effect July 1 of this year. For the benefit of the Assembly, in the past 16 years, there hasn't been any regulation, training or information of any kind for new recruits coming into the Clark County police department. I think that information as to the danger of this procedure, the use of it, should be made available to these folks who are wearing the badge and protecting us and would add to their professional position. I am certainly in support of this legislation. Thank you.

Roll call on Assembly Bill No. 245:

YEAS—42.

NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 392:

YEAS—42.

NAYS—None.

Assembly Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 458:

YEAS—42.

NAYS—None.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 462:

YEAS—42.

NAYS—None.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 600.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 600:

YEAS—42.

NAYS—None.

Assembly Bill No. 600 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 609.

Bill read third time.

Remarks by Assemblyman Petrak.
Roll call on Assembly Bill No. 609:
YEAS—42.
NAYS—None.

Assembly Bill No. 609 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 21.
Resolution read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Joint Resolution No. 21:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 31.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 31:
YEAS—42.
NAYS—None.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 453.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Senate Bill No. 453:
YEAS—42.
NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 454.
Bill read third time.
Remarks by Assemblymen Kerns, Carpenter, Price and Norton.
Roll call on Senate Bill No. 454:
YEAS—31.
NAYS—Bayley, Carpenter, Gibbons, Goetting, Haller, Hardy, Humke, Little, Marvel, Sader, Stout—11.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wong moved that Assembly Bill No. 410 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wong.

Assemblymen Humke, Bergevin and McGaughey requested a roll call on Assemblyman Wong's motion.

Roll call on Assemblyman Wong's motion:

YEAS—24.

NAYS—Anderson, Arberry, Bache, Bennett, Callister, Evans, Freeman, Garner, Giunchigliani, Haller, Krenzer, Norton, Porter, Price, Sader, Spitler, Wendell Williams—17.

Not voting—Mr. Speaker.

The motion having received a majority, Mr. Speaker declared it carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 302, 524.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 116, 324, 333, 396.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 2.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 1:16 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 248, 254, 290, 365, 491, 567, 571, 587; Assembly Joint Resolution No. 25; Senate Bills Nos. 21, 172, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 164.

The following Senate amendment was read:

Amendment No. 409.

Amend section 1, page 1, line 19, by deleting "(2) Not" and inserting "(2) [Not".

Amend section 1, page 1, line 26, by deleting "(4) Not" and inserting "(4)] Not".

Amend section 1, page 2, line 3, by deleting "(5)" and inserting "[(5)] *(3)*".

Amend section 1, page 2, line 7, by deleting "(6)" and inserting "[(6)] *(4)*".

Amend section 1, page 2, line 11, by deleting "(7)" and inserting "[(7)] *(5)*".

Amend section 1, page 2, line 13, by deleting the closed bracket.

Amend section 1, page 2, line 14, by deleting "(8)" and inserting "(8)] *(6)*".

Amend section 1, page 2, by deleting lines 16 through 48 and inserting: "the federal facilities [.

2. The power to issue securities hereunder in a total principal amount not more than $192,500,000 under subparagraph (2) of paragraph (d) of subsection 1 decreases to the extent, for the acquisition of the federal facilities, Congress by federal act appropriates funds, the Office of Management and Budget apportions funds, the Bureau of Reclamation allots funds, the Federal Government is obligated to pay earnings under contract for the construction and other acquisition of the federal facilities, or any part thereof, and the state is obligated by contract with the Federal Government to pay to it sums equal to these earnings and any incidental expenses due under that contract; but the power to issue securities is not decreased because of any money due under that contract from the state to the Federal Government in the nature of interest charges to compensate it for money advanced by it until their repayment by the state.

3.] ;

*(7) Not exceeding $175,000,000 to defray wholly or in part the cost of acquiring, improving and equipping existing and supplemental state and federal facilities;*

*(8) Not exceeding $40,000,000 to defray wholly or in part the cost of acquiring, improving and equipping existing and additional facilities to disinfect the water supply so that the quality of the water will comply with federal requirements regarding water quality; and*

*(9) Not exceeding $4,000,000 to defray wholly or in part the cost of acquiring, improving, equipping or replacing computers, computer programs and equipment for the treatment, testing, processing and delivery of water in and through the facilities.*

2. The power to issue securities in a principal amount not more than $11,000,000 under subparagraph [(4)] *(2)* of paragraph (d), $10,000,000

under subparagraph [(5)] *(3)* of paragraph (d), $8,910,000 under subparagraph [(6)] *(4)* of paragraph (d) , [and] $3,930,000 under subparagraph [(7)] *(5)* of paragraph (d) , *$175,000,000 under subparagraph (7) of paragraph (d), $40,000,000 under subparagraph (8) of paragraph (d) and $4,000,000 under subparagraph (9) of paragraph (d)* respectively, of".

Amend section 1, page 3, by deleting lines 3 through 8 and inserting:

"*(a)* December 31, 1984, for the purposes of subparagraphs [(4) and (5)] *(2) and (3)* of paragraph (d) of subsection 1 [and] *;*

*(b)* December 31, 1988, for the purposes of subparagraphs [(6) and (7)] *(4) and (5)* of paragraph (d) of subsection 1 *;* and

*(c) December 31, 1990, for the purposes of subparagraphs (7), (8) and (9) of paragraph (d) of subsection 1,*".

Amend section 1, page 3, by deleting lines 11 and 12 and inserting: "ties for the purposes of subparagraphs [(4), (5), (6) and (7)] *(2), (3), (4), (5), (7), (8) and (9)* of paragraph (d) of subsection 1 decreases to the extent that the".

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

"Sec. 2. Any money borrowed or any other obligation incurred by the Colorado River commission, acting on the behalf and in the name of the State of Nevada, before the effective date of this act pursuant to subparagraphs (2) and (3) of paragraph (d) of subsection 1 of section 7 of chapter 482, Statutes of Nevada 1975, and any state securities issued to evidence such obligations, are recognized as continuing obligations of the State of Nevada, acting by and through the Colorado River commission, after the effective date of this act.".

Amend the title of the bill, second line, after "bonds;" by inserting: "repealing the commission's authority to issue certain bonds;".

Amend the summary of the bill to read as follows:

"Summary—Revises authority of Colorado River commission to issue bonds. (BDR S-502)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 164.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 39, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, Little and Kerns as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 39.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 743—An Act relating to domestic relations; providing penalties for the violation of certain restraining orders or injunctions issued in domestic relations proceedings; requiring the court, in a proceeding to determine the custody of a child, to consider any occurrence of domestic violence in determining the best interest of the child; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 744—An Act relating to vital statistics; revising the provisions governing the fees for services and copies of records concerning vital statistics; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 116.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 302.

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

Motion carried.

Senate Bill No. 324.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 333.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 396.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 524.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 248.

Bill read second time.

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

Amendment No. 663.

Amend section 1, pages 1 and 2, by deleting lines 5 through 23 on page 1 and lines 1 through 33 on page 2 and inserting:

"2. A zoning regulation, restriction or boundary must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing must be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county, or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question.

*3. If the proposed amendment involves a change in the existing zoning in a county whose population is 100,000 or more, the governing body shall, in addition to the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:*

*(a) The applicant;*

*(b) Each owner, as listed on the county assessor's records, of real property located within 600 feet of the property in question; and*

*(c) Any advisory board which has been established for the affected area by the governing body.*

*The notice must be written in English and in words that are easily understood. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.*

*4. The exterior of the notice mailed pursuant to subsection 3 must bear a statement printed in at least 10-point bold type in substantially the following form:*

*URGENT! PROPERTY OWNER!*

*5. In addition to mailing the notice required pursuant to subsection 3, the governing body shall, no later than 10 days before the hearing, erect or cause to be erected on the property in the manner provided in subsection 6, a sign not less than 2½ feet high and 2½ feet wide. The sign must be made of material reasonably calculated to withstand the elements for 10 days. The governing body shall be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:*

*(a) The existing zoning designation of the property in question;*

*(b) The proposed zoning designation of the property in question;*

*(c) The date, time and place of the public hearing; and*

*(d) A telephone number which may be used by interested persons to obtain additional information.*

*The provisions of this subsection apply only in a county whose population is 400,000 or more.*

*6. A sign required pursuant to subsection 5 must be erected not farther than 10 feet away from the street having the most vehicular traffic which adjoins the boundary of the property in question. Such a sign must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.*

*7. A governing body may charge an additional fee for each application to amend an existing zoning regulation, restriction or boundary to cover the additional costs resulting from the mailed notice required by this section and the erection of the sign required by subsection 5, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.*".

Amend sec. 2, pages 2 and 3, by deleting lines 34 through 47 on page 2 and lines 1 through 18 on page 3 and inserting:

"Sec. 2. NRS 278.315 is hereby amended to read as follows:

278.315 1. The governing body may provide by ordinance for the granting of variances, special use permits or other special exceptions by the board of adjustment or the planning commission. The governing body may impose this duty entirely on the board of adjustment or the planning commission, respectively, or provide for the granting of enumerated categories of variances, special use permits or special exceptions by the board or commission.

2. A hearing to consider an application for the granting of a variance, special use permit or special exception must be held before the board or commission within 65 days after the filing of the application. A notice setting forth the time, place and purpose of the hearing must be sent by mail at least 10 days before the hearing to:

(a) The applicant;

(b) Each owner of real property located within 300 feet of the property in question;

(c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park; and

(d) Any advisory board which has been established for the affected area by the governing body.

3. Any such ordinance must provide an opportunity for the applicant or a protestant to appeal from a decision of the board or commission to the governing body.

*4. If the proposed amendment involves a change in the permitted use in a county whose population is 100,000 or more, the governing body shall, in addition to the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to each owner, as listed on the county assessor's records, of real property located within 600 feet of the property in question. The notice must be written in English and in words that are easily understood. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.*

*5. The exterior of the notice mailed pursuant to subsection 4 must bear a statement printed in at least 10-point bold type in substantially the following form:*

*URGENT! PROPERTY OWNER!*

*6. In addition to mailing the notice required pursuant to subsection 4, the governing body shall, no later than 10 days before the hearing, erect or cause to be erected on the property in the manner provided in subsection 7, a sign not less than 2½ feet high and 2½ feet wide. The sign must be made of material reasonably calculated to withstand the elements for 10 days. The governing body shall be consistent in its use of colors for the background and lettering of the sign. The sign must include the following information:*

*(a) The existing permitted use of the property in question;*

*(b) The proposed permitted use of the property in question;*

*(c) The date, time and place of the public hearing; and*

*(d) A telephone number which may be used by interested persons to obtain additional information.*

*The provisions of this subsection apply only in a county whose population is 400,000 or more.*

*7. A sign required pursuant to subsection 6 must be erected not farther than 10 feet away from the street having the most vehicular traffic which adjoins the boundary of the property in question. Such a sign must be erected regardless of any local ordinance regarding the size, placement or composition of signs to the contrary.*

*8. A governing body may charge an additional fee for each application to amend an existing permitted use to cover the additional costs resulting from the mailed notice required by this section and the erection of the sign required by subsection 6, if any. The additional fee is not subject to the limitation imposed by NRS 354.5989.*".

Amend the title of the bill by deleting the second, third and fourth lines and inserting: "change in existing zoning or permitted use; and providing other matters properly relating".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 629.

Amend section 1, page 1, line 3, by deleting "*condition*" and inserting "*injury*".

Amend section 1, page 1, by deleting line 8 and inserting: "(a) Coverage for *reasonable and clinically necessary* treatments *of an*".

Amend section 1, page 1, line 9, by deleting "*condition*" and inserting "*injury*".

Amend section 1, page 1, by deleting line 10 and inserting: "*similar* treatments *for the same illness or injury* by [other physicians.] *another*".

Amend section 1, page 1, by deleting line 12 and inserting: "(b) Reimbursement for *reasonable and clinically necessary* treatments".

Amend section 1, page 1, line 13, by deleting "*condition*" and inserting "*injury*".

Amend section 1, page 1, by deleting line 14 and inserting: "*amount* reimbursed for similar treatments [by other physicians.] *of*".

Amend section 1, page 1, line 15, by deleting "*condition*" and inserting "*injury*".

Amend sec. 2, page 1, line 18, by deleting "*condition*" and inserting "*injury*".

Amend sec. 2, page 1, by deleting line 23 and inserting: "(a) Coverage for *reasonable and clinically necessary* treatments *of an*".

Amend sec. 2, page 1, line 24, by deleting "*condition*" and inserting "*injury*".

Amend sec. 2, page 1, by deleting line 25 and inserting: "*similar* treatments *for the same illness or injury* by [other physicians.] *another*".

Amend sec. 2, page 2, by deleting line 1 and inserting: "(b) Reimbursement for *reasonable and clinically necessary* treatments".

Amend sec. 2, page 2, line 2, by deleting "*condition*" and inserting "*injury*".

Amend sec. 2, page 2, by deleting line 4 and inserting: "*for similar treatment of the same illness or injury by another provider of health*".

Amend sec. 3, page 2, line 8, by deleting "*condition*" and inserting "*injury*".

Amend sec. 3, page 2, by deleting line 13 and inserting: "(a) Coverage for *reasonable and clinically necessary* treatments *of an*".

Amend sec. 3, page 2, line 14, by deleting "*condition*" and inserting "*injury*".

Amend sec. 3, page 2, by deleting line 15 and inserting: "*similar* treatments *for the same illness or injury* by [other physicians.] *another*".

Amend sec. 3, page 2, by deleting line 17 and inserting: "(b) Reimbursement for *reasonable and clinically necessary* treatments".

Amend sec. 3, page 2, line 18, by deleting "*condition*" and inserting "*injury*".

Amend sec. 3, page 2, by deleting line 20 and inserting: "*for similar treatment of the same illness or injury by another provider of health*".

Amend sec. 4, page 2, line 24, by deleting "*condition*" and inserting "*injury*".

Amend sec. 4, page 2, by deleting line 29 and inserting: "(a) Coverage for *reasonable and clinically necessary* treatments *of an*".

Amend sec. 4, page 2, line 30, by deleting "*condition*" and inserting "*injury*".

Amend sec. 4, page 2, by deleting line 31 and inserting: "*similar* treatments *for the same illness or injury* by [other physicians.] *another*".

Amend sec. 4, page 2, by deleting line 33 and inserting: "(b) Reimbursement for *reasonable and clinically necessary* treatments".

Amend sec. 4, page 2, line 34, by deleting "*condition*" and inserting "*injury*".

Amend sec. 4, page 2, by deleting line 36 and inserting: "*for similar treatment of the same illness or injury by another provider of health*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 609.

Amend section 1, page 1, line 10, by deleting "*approved*" and inserting "*reviewed*".

Amend section 1, page 1, line 18, after "*5.*" by inserting: "*The state public works board shall notify the chairman of the capitol complex subcommittee when any matter specified in subsection 4 is ready for review.*

*6. The state public works board, capitol complex subcommittee and division of state lands of the department of conservation and natural resources and, when applicable, any other state agency and the board of supervisors of Carson City, shall all participate in the planning of all significant aspects of matters specified in subsection 4.*

*7. Any significant change in the capitol complex master plan must be approved by the capitol complex subcommittee and the legislative commission.*

*8.*".

Amend section 1, page 1, line 22, by deleting "*6.*" and inserting "*9.*".

Amend section 1, page 2, line 7, by deleting "*7.*" and inserting "*10.*".

Amend section 1, page 2, by deleting line 8 and inserting: "*structures or improvements owned by the state and included in or contiguous with the area included in the Nevada State Capitol Complex Master Plan, adopted in September 1989, including any subsequent amendments thereto, and all state museum facilities*".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 632.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

*"1. Except as otherwise provided in this subsection, a business shall not record the account number of any of a customer's credit cards on the customer's check or draft as a condition of accepting that check or draft. This subsection does not prohibit:*

*(a) The business from requiring the customer to produce reasonable forms of positive identification other than a credit card, such as a driver's license or identification card, as a condition of accepting a check or draft.*

*(b) The business from requesting the customer to display a credit card as an indicia of creditworthiness or financial responsibility, if the only information recorded by the business concerning the credit card is the type of credit card displayed, the issuer of the card and the date the card expires.*

*(c) The business from requesting the customer to record the account number of his credit card on the check or draft with which payment on the credit card account is being made.*

*(d) The business from requesting the production of or recording of the account number of a credit card as a condition of cashing a check or draft if:*

*(1) The business has agreed with the issuer of the credit card to cash the checks or drafts as a service to the cardholders of the issuer;*

*(2) The issuer has agreed to guarantee any such check or draft so cashed; and*

*(3) The cardholder has given actual, apparent or implied authority for the use of his account number for this purpose.*

*2. Except as otherwise provided in this subsection, a business shall not record a customer's telephone number on the credit card sales slip as a condition of accepting his credit card. This subsection does not:*

*(a) Prohibit the recordation of personal identifying information required for a special purpose incidental to the use of the credit card, such as the delivery, shipping, servicing or installation of the purchased merchandise.*

*(b) Apply to a transaction in which the customer receives a cash advance against his credit card or to a transaction involving the use of preprinted spaces for personal identifying information that the business accepting the credit card has a contractual obligation to record in order to complete the transaction.*

*3. As used in this section, unless the context otherwise requires, "credit card" has the meaning ascribed to it in NRS 205.630.".*

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 598.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in NRS 484.3794 and section 4 of this act, "treatment facility" means a facility for the treatment of abuse of alcohol or drugs, which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources.*

Sec. 3. *1. If a person is found guilty of a first or second violation of NRS 484.379 within 7 years, the court shall, before sentencing the offender:*

*(a) Require the evaluation of the offender to determine if he is an alcoholic or abuser of drugs; and*

*(b) Order the offender to pay an assessment of $100 and render a judgment against him for the assessment.*

*2. The evaluation of an offender pursuant to this section must be conducted by a:*

*(a) Counselor certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; or*

*(b) Physician certified to make that classification by the board of medical examiners,*

*who shall report to the court the results of the evaluation.*

*3. The money collected as an assessment pursuant to this section must:*

*(a) Not be deducted from any fine imposed;*

*(b) Be taxed against the offender in addition to the fine;*

*(c) Be stated separately on the court's docket; and*

*(d) Be expended to offset the cost of the evaluation required by this section.*

Sec. 4. *1. When a program of treatment is ordered pursuant to paragraph (b) of subsection 1 of NRS 484.3792, the court shall place the offender under the supervision of a treatment facility for treatment for not less than 1 year nor more than 3 years. The treatment facility may, at its discretion:*

*(a) Confine the offender in an institution for no longer than 6 months, then release the offender for supervised aftercare in the community; or*

*(b) Release the offender for treatment in the community.*

*2. The court:*

*(a) May require such progress reports on the treatment of an offender pursuant to this section as it deems necessary; and*

*(b) Shall order the offender, to the extent of his financial resources, to pay any charges for his treatment pursuant to this section. If the offender does not have the financial resources to pay all of those charges, the court shall ensure that the offender obtains his treatment from a treatment facility that receives a sufficient amount of federal or state money to offset the remainder of the charges.*

*3. A treatment facility is not liable for any damages to person or property caused by a person who drives while under the influence of intoxicating liquor or a controlled substance after the treatment facility has certified to his successful completion of a program of treatment ordered pursuant to paragraph (b) of subsection 1 of NRS 484.3792.*

Sec. 5. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Any person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.3794, the court shall:

(1) Except as otherwise provided in subsection 6, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.3794, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform 48 hours of work for the community while dressed in distinctive garb which identifies him as having violated the provisions of NRS 484.379; and

(3) Fine him not less than $200 nor more than $1,000.

[The teacher of the educational course shall evaluate the offender and, if he finds the offender is an abuser of alcohol or controlled substances, he shall promptly report his findings to the court for its use.]

(b) For a second offense within 7 years, is guilty of a misdemeanor. [Unless the sentence is reduced pursuant to NRS 484.3794, the court shall sentence him to imprisonment] *The court shall:*

*(1) Sentence him to:*

*(I) Imprisonment* for not less than 10 days nor more than 6 months in jail *;*

*(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3768, inclusive, or 5.0755 to 5.079, inclusive; or*

*(III) A program of treatment for the abuse of alcohol or drugs pursuant to the provisions of section 4 of this act;* and [fine]

*(2) Fine* him not less than $500 nor more than $1,000.

*A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.*

(c) For a third or subsequent offense within 7 years, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Any offense which occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be

proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. No person convicted of violating the provisions of NRS 484.379 may be released on probation, and no sentence imposed for violating those provisions may be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. No prosecuting attorney may dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. Any term of [confinement] *imprisonment* imposed under the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed under this section and NRS 483.560 or 485.330 must run consecutively.

6. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than Nevada and does not reside in Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order,

and the court shall notify the department if the person fails to complete the assigned course within the specified time.

7. As used in this section, unless the context otherwise requires, "offense" means a violation of NRS 484.379 or 484.3795 or homicide resulting from the driving of a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same or similar conduct.

Sec. 6. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. A person who is found guilty of a first [or second] violation of NRS 484.379 within 7 years may, at that time or any time until he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 1 year if:

(a) He is classified as an alcoholic or abuser of drugs by a:

(1) Counselor certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; or

(2) Physician certified to make that classification by the board of medical examiners;

(b) He agrees to pay the costs of the treatment; and

(c) He has served or will serve a term of imprisonment in jail of [:

(1) One] *one* day, or has performed or will perform 24 hours of work for the community . [, if it is his first offense within 7 years; or

(2) Five days if it is his second offense within 7 years.]

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application if the prosecuting attorney requests it or may order a hearing on its own motion.

3. At the hearing on the application for treatment the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before it.

4. In granting an application for treatment the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence for not more than 3 years upon the condition that the offender be accepted for treatment by a *treatment* facility , [approved by the state,] that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction remains on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment not provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the department, on a form approved by the department, upon granting the offender's application for treatment and his failure to be accepted for or complete treatment.

Sec. 7. NRS 484.3943 is hereby amended to read as follows:

484.3943 1. Except as otherwise provided in subsection 5, a court may require any person convicted of driving under the influence of intoxicating liquor in violation of NRS 484.379 or 484.3795, who has served the term of [imprisonment] *confinement* imposed upon him or has had his sentence suspended pursuant to NRS 4.373 and 5.055 after serving the mandatory minimum sentence, to install at his own expense a device in any motor vehicle which he owns or operates:

(a) As a condition of reinstatement of his driving privilege;

(b) As a condition of the suspension of his sentence; or

(c) As a condition of the suspension of his sentence and reinstatement of his driving privilege.

2. Upon imposing such a requirement, the court shall immediately prepare and transmit a copy of its order to the director. The order must include a statement that a device is required and the specific period for which it is required. The director shall cause this information to be incorporated into the records of the department and noted as a restriction on the person's driver's license.

3. If the court requires the use of a device, the person who is required to install the device shall provide proof of compliance to the department before the reinstatement of his driving privilege. Each model of a device installed pursuant to this section must have been certified by the committee on testing for intoxication.

4. The person whose driving privilege is restricted pursuant to this section shall have the device inspected by the manufacturer of the device or his agent every 90 days to determine whether the device is operating properly. The manufacturer or its agent shall submit a report to the director indicating whether the device is operating properly and whether it has been tampered with. If the device has been tampered with, the director shall notify the court that ordered the installation of the device.

5. If a person is required to operate a motor vehicle in the course and scope of his employment and the motor vehicle is owned by his employer, the person may operate that vehicle without the installation of a device, if:

(a) The employee notifies his employer that the employee's driving privilege has been so restricted; and

(b) The employee has proof of that notification in his possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

Sec. 8. 1. The provisions of section 3 of this act do not apply to:

(a) A district court or justice's court in a county; or

(b) A municipal court in a city,

that does not have the personnel necessary to conduct the evaluations required by that section.

2. On or before July 1, 1993, each county and city shall provide any personnel necessary to conduct the evaluations required by section 3 of this act.

Sec. 9. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; revising the penalties for driving under the influence of intoxicating liquor or a controlled substance; requiring the evaluation of a person convicted of such an offense to determine if he is an alcoholic or abuser of drugs; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 567.

Bill read second time.

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

Amendment No. 621.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. Each public utility which owns an interest in or is engaged in the construction or operation of a utility project, or on whose behalf the utility project is constructed, which is located in a region or county whose population is 100,000 or more shall, within 60 days after the utility project has been approved for construction, report the location of the utility project to the planning commission of each city, county or region in which it is located.*

*2. The planning commission of each city, county or region shall maintain a record of each report it receives from a public utility pursuant to subsection 1.*".

Amend sec. 2, page 2, by deleting lines 37 through 39 and inserting:

"*16. "Utility project" means:*

*(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or*

*(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,*

*which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.*".

Amend sec. 3, page 3, line 34, by deleting: "*Existing utility easements*" and inserting: "*Any utility project*".

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

Amend sec. 6, page 5, line 17, by deleting "*utility easements*" and inserting: "*any utility projects*".

Amend the title of the bill to read as follows:

"An Act relating to planning; requiring a public utility to report the location of a utility project which is located in certain counties or regions to the planning commission of each city, county or region in which the utility project is located; requiring a utility project to be included in certain regional and master plans; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to utility projects. (BDR 22-1457)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 571.

Bill read second time.

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

Amendment No. 680.

Amend section 1, page 2, by deleting line 42 and inserting:

"6. Except as *otherwise* provided in subsection 7 or in NRS 707.350, whenever [an]".

Amend section 1, page 2, line 43, by deleting "*Whenever*".

Assemblyman Norton moved the adoption of the amendment.

Remarks by Assemblyman Norton.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 587.

Bill read second time.

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

Amendment No. 677.

Amend section 1, page 1, between lines 10 and 11, by inserting:

"3. Such a lease may include authorization for the lessee to enter into subleases, with the consent of the lessor, regardless of whether the sublessee is a nonprofit organization.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 25.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 172.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 674.

Amend sec. 2, page 1, line 3, by deleting "*system.*" and inserting: "*system which serves at least 15 service connections that are used by residents throughout the year or regularly serves at least 25 residents throughout the year. The term does not include a public utility which serves more than 25,000 persons.*".

Amend sec. 3, page 1, line 4, by deleting "*No*" and inserting:

"*1. Except as otherwise provided in subsection 2, no*".

Amend sec. 3, page 1, between lines 10 and 11, by inserting:

"*2. Subsection 1 does not apply to the expansion of a public utility.*".

Amend sec. 4, page 1, by deleting line 11 and inserting:

"Sec. 4. *Before making the finding specified in section 8 of this act and before making the determinations specified in sections 5, 16 and 17 of this act, the state board of health shall request comments from the:*

*1. Public service commission of Nevada;*

*2. State engineer;*

*3. Local government within whose jurisdiction the water system is located; and*

*4. Owner of the water system.*".

Amend sec. 5, page 2, by deleting lines 25 and 26 and inserting: "*share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public service commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to section 7 of this act.*".

Amend sec. 6, page 2, by deleting lines 33 through 35 and inserting: "*until:*

*1. The local governing body, after a hearing, establishes the costs and apportions them to each lot or parcel; or*

*2. The public service commission of Nevada determines the amount of the assessments,*

*and the local governing body records a notice of lien in the office of the county recorder in the county in which the property is located.*".

Amend sec. 7, page 2, line 41, by deleting "*costs of*" and inserting: "*costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with*".

Amend sec. 8, page 3, line 2, after "*system*" by inserting: "*issued pursuant to section 3 of this act*".

Amend sec. 8, page 3, line 5, by deleting "*body*" and inserting: "*body, if requested to do so in writing by the state board of health,*".

Amend sec. 16, page 5, by deleting lines 8 through 10 and inserting: "*served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public service commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to section 7 of this act.*".

Amend sec. 17, page 5, by deleting lines 24 through 26 and inserting: "*share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the public service commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to section 7 of this act.*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman McGaughey moved that Assembly Bill No. 290 be re-referred to the Committee on Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 100; Senate Bills Nos. 36, 193; Assembly Concurrent Resolution No. 71; Senate Concurrent Resolutions Nos. 35, 48.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Emmy Massey, Messrs. Eric Antila, Michael Longero and the following students from Dayton High School: Don Anderson, Adam Bailey, Tim Baldo, Sean Campbell, Chris Chambers, Paul Catsons, Eric Crambs, Gina Crooks, Don Cummings, Misty Denny, Chris Desotell, Alen Dressler, Scott Fleckenstein, James Gabr, Christina Hagan, Mark Harris, Dan Hoferer, Kristina Heferer, Mike Haller, John Hassick, Shrie Hughes, Jake Kinne, Wendy Kribell, Minette Kuerzi, Jason Kytle, Irvin Lowder, Wade Maggert, Veronica Maloney, Dawn Marti, Mike McCall, Steve Mendes, Chali Moehius, Noel Moore, Shane Morrow, Mike Mundt, Mischelle Polish, Dan Schmidt, Lisa Sentein, Jackie Silva, Jill Stevenson, Sara Starlie, Nicole Tennant, Barbara Thomas, Jeanne Vaca, Tammy Williamson, Brandon Bennett, Ryan Bullman, Andy Chance, Renee Ferrie, Toby Frescholtz, Brian Gentury, Carl Gladwell, Janet Karley, Mike Kordanawy, Paul Kyle, Irwin Louder, Maggie Lowder, Gina Montecelli, Jeanne Rogers, Ryan Service, Winston Seymour, Doug Koerner, Shelby Lawless, Heath Smith, Phillip Cumato, Eco Densmore, Vanity Theisen, Sonya Good, Tyson Adamson, Roberta Ruiz, Robert

Aurand, Don Schmidlin, Bev Keith, Marina Quaglia, Erica Sawaya, Adam Johnson, Emma Reichert, Sean Polleck, Dora Uchell, Brandon Bonds, Louis Destry and Leisa Senteio.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Dennis Crawford and Andrew Watson.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mike Marsh.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 16, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:42 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 16, 1991

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Dear Father, save this moment from being merely a gesture to custom or convention, and make it a real experience for each one in this place as we call on You for guidance and help. Make us feel Your nearness in the business of the day—the unseen delegate, present and voting. Vote through these men and women today that what they say and what they do may be in accordance with Your will and the best for the people they represent. We ask these things in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 428, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 71 and requests a conference, and appointed Senators O'Donnell, Adler and Tyler as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 256 and requests a conference, and appointed Senators O'Donnell, Cook and Smith as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 304 and requests a conference, and appointed Senators Adler, Tyler and O'Donnell as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 75.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 514 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 459 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Myrna Williams moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2167), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Myrna Williams.

Roll call on Assemblyman Myrna Williams' motion.

YEAS—41.

NAYS—None.

Absent—Arberry.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

Assembly Concurrent Resolution No. 58.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted.

By the Committee on Labor and Management:

Assembly Concurrent Resolution No. 76—Directing the Department of Industrial Relations to conduct an interim study of occupational safety and health standards.

Assemblyman Bache moved that the resolution be referred to the Committee on Labor and Management.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 745—An Act relating to county commissioners; clarifying that the members of a board of county commissioners may attend conventions, conferences and seminars under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Pettyjohn, Hardy, Bayley, Gregory, Stout, Carpenter, Little, Garner, Spriggs, Heller, Haller, McGinness, Humke, Porter, Evans, Kerns, Bennett, Marvel, Petrak, Gibbons, Wong, Price, Arberry, Callister, Bergevin, Goetting, Anderson, Krenzer, Scherer and Dini:

Assembly Bill No. 746—An Act relating to water districts, creating the Virgin Valley Water District in Clark County, Nevada; providing for the storage, conservation, distribution and sale of water within and without the district; authorizing the district to purchase, acquire and construct the facilities necessary to serve water to consumers within the district; authorizing the issuance of general obligation and revenue bonds; providing the power to tax; and providing other matters properly relating thereto.

Assemblyman Pettyjohn moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 747—An Act relating to motor vehicles; increasing the penalty for driving a motor vehicle while under the influence of intoxicating liquor or a controlled substance if a child is a passenger; requiring the suspension of the driver's license or instruction permit of pupils under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 748—An Act relating to traffic laws; prohibiting the possession of an open container of an alcoholic beverage in a motor vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 749—An Act relating to motor vehicles; revising the standard for determining when a person is operating a vehicle or vessel while intoxicated; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 750—An Act relating to juvenile justice; revising certain restrictions upon the detention of juveniles; requiring cities and counties to submit certain reports regarding the detention of juveniles and to allow state inspections of certain facilities in which juveniles may be detained; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 751—An Act relating to education; making an appropriation to the department of education to assist school districts in the recruitment of minority teachers and other licensed personnel; establishing a committee to direct the provision of the assistance; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 752—An Act relating to taxation; imposing a luxury tax on the purchase of certain jewelry, furs, motor vehicles, boats and aircraft; requiring the department of taxation to collect the tax; providing penalties; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Taxation.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 24.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 24.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Kerns moved that Assembly Bill No. 566 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Kerns.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 485 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Humke.

Motion carried.

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

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 554.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 552:

YEAS—42.

NAYS—None.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 553:

YEAS—41.

NAYS—None.

Not voting—Mr. Speaker.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 25.

Resolution read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Joint Resolution No. 25:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 21:

YEAS—42.

NAYS—None.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 459:

YEAS—42.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 24.

Resolution read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Joint Resolution No. 24:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 34, 130, 428, 556, 578; Senate Bill No. 161, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 554.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

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

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 12:23 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 565.

Amend section 1, page 1, by deleting line 5 and inserting: "2. *Claims of any justice of the supreme court under*".

Amend section 1, page 1, lines 17 and 18, by deleting: "*justice, officer and employee*" and inserting "*justice*".

Amend the title of the bill, second line, by deleting: "justices, officers, and employees" and inserting "justices".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

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

Amendment No. 518.

Amend sec. 2, page 1, line 10, by deleting "*40*" and inserting "*42*".

Amend sec. 4, page 2, line 3, by deleting "*1.*".

Amend sec. 4, page 2, by deleting lines 7 through 21.

Amend sec. 5, page 2, by deleting lines 22 through 27 and inserting:

"Sec. 5. *If the commission believes that an employees' organization selected in accordance with section 4 of this act no longer represents a majority of the employees, the commission may request that a new list be submitted to show that the organization represents more than 50 percent of the employees. Such a request may not be made unless the previous certification of the organization has been in effect for at least 2 years. If within 90 days after the commission makes such a request, the currently certified employees' organization cannot verify that it represents a majority of the employees, the commission shall declare the organization's certification discontinued and prohibit the organization from requesting recertification for at least 1 year.*".

Amend sec. 6, page 2, line 44, by deleting the period and inserting: ", *except as jointly proposed to the legislature.*".

Amend sec. 6, page 2, between lines 45 and 46, by inserting:

"*4. A proposed agreement between the state and an employees' organization which contains a:*

*(a) Provision with a state budgetary effect; or*

*(b) Proposal to amend a statute,*

*must be submitted to the legislature for its approval. If the legislature does not approve any portion of such an agreement or does not amend the statute accordingly, the parties to the agreement shall meet promptly in an effort to reach a decision within the legislative determination.*".

Amend sec. 8, page 3, between lines 30 and 31, by inserting:

"*(m) Conditions of employment that are peculiar to a department, for the purposes of section 12 of this act.*".

Amend sec. 8, page 3, between lines 38 and 39, by inserting:

"*6. Once so presented, if the legislature does not approve any portion of the agreement or does not amend the statute in accordance with the arbitration, the parties to the agreement shall meet promptly in an effort to reach a decision within the legislative determination.*".

Amend sec. 12, page 5, line 5, after "*section,*" by inserting: "*in addition to all other departments of the state,*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner, Scherer, Bergevin, McGaughey and Spriggs.

Amendment adopted on a division of the house.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wong moved that Assembly Bill No. 410 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wong.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 428.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 391.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Affiliate" means a person who, directly or indirectly through one or more intermediaries, controls, is controlled by or is under common control with, a specified person.*

Sec. 2. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0134 to 463.0197, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.".

Amend section 1, page 1, by deleting lines 24 and 25 and inserting:

"[10.] *(l)* Keno runners;".

Amend section 1, page 2, line 1, by deleting "*(n)*" and inserting "*(m)*".

Amend section 1, page 2, line 2, by deleting "*(o)*" and inserting "*(n)*".

Amend section 1, page 2, line 3, by deleting "*(p)*" and inserting "*(o)*".

Amend section 1, page 2, line 4, by deleting "*(q)*" and inserting "*(p)*".

Amend section 1, page 2, line 5, by deleting "*(r)*" and inserting "*(q)*".

Amend section 1, page 2, line 6, by deleting "*(s)*" and inserting "*(r)*".

Amend section 1, page 2, line 7, by deleting "*(t)*" and inserting "*(s)*".

Amend section 1, page 2, line 14, by deleting "*(u)*" and inserting "*(t)*".

Amend the bill as a whole by renumbering sec. 2 as sec. 6 and adding new sections designated sections 4 and 5, following section 1, to read as follows:

"Sec. 4. NRS 463.0165 is hereby amended to read as follows:

463.0165 "License" means a gaming license , [or] a manufacturer's, seller's or distributor's license [.] *or a license issued to an operator of an off-track pari-mutuel system.*

Sec. 5. NRS 463.0197 is hereby amended to read as follows:

463.0197 "Work permit" means any card, certificate or permit issued by the board or by a county or city licensing authority, whether denominated as a work permit, registration card or otherwise, authorizing [the employment of] the holder *to be employed* as a gaming employee [.] *or to serve as a junket representative.* A document issued by any governmental authority for any employment other than gaming is not a valid work permit for the purposes of this chapter.".

Amend sec. 2, page 2, by deleting lines 32 through 37 and inserting: "papers, books and records of [applicants and licensees, on their premises, or elsewhere as practicable, and in the presence of the licensee] *any applicant or licensee, on his premises, or elsewhere as practicable, and in the presence of the applicant or licensee,* or his agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter.

*(e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the board or commission knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its agent.*".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 10 through 13 and adding new sections designated sections 7 through 9, following sec. 2, to read as follows:

"Sec. 7. NRS 463.335 is hereby amended to read as follows:

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

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

(b) Maintain confidential records of such information.

2. No person may be employed as a gaming employee *or serve as a junket representative* unless he is the holder of:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or

(b) A work permit issued by the board, if a work permit is not required by either the county or the city.

3. A work permit issued to a gaming employee *or junket representative* must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

4. Whenever any person applies for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and may at the discretion of the county or city licensing authority issue a temporary work permit. If within 90 days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a work permit to the applicant. [Any holder of a work permit must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment.]

5. If the board, within the 90-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

6. Application for a work permit, valid wherever a work permit is not required by any county or city licensing authority, may be made to the board, and may be granted or denied for any cause deemed reasonable by the board. Whenever the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application.

7. Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded and precludes administrative or judicial review. At the hearing, the board or any designated member of the board or an examiner appointed by the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 30 days after the date of the hearing announce its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose, misstated or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

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

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

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

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

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

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

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

9. All records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

10. A work permit *issued to a gaming employee* expires unless renewed within 10 days after [a change of place of employment or if the holder thereof] *the gaming employee changes his place of employment or if the gaming employee* is not employed as a gaming employee within the jurisdiction of the issuing authority for more than 90 days. *A work permit issued to a junket representative expires if the junket representative ceases to serve as a junket representative within the jurisdiction of the issuing authority for more than 90 days.*

11. Notice of any objection to or denial of a work permit by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice is presumed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Sec. 8. NRS 463.337 is hereby amended to read as follows:

463.337 1. If any gaming employee *or junket representative* is convicted of any violation of this chapter or chapter 463B, 464 or 465 of NRS, or if in investigating an alleged violation of this chapter by any licensee the commission finds that a gaming employee employed by *or junket representative contracting with* the licensee has been guilty of cheating, the commission shall after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive:

(a) If the gaming employee *or junket representative* holds a work permit issued by the board, revoke it.

(b) If the gaming employee *or junket representative* holds a work permit issued by a county or city licensing authority, notify [such] *the* authority to revoke it, and the county or city licensing authority shall revoke it.

2. The commission may revoke a work permit issued by the board or, if issued by a county or city licensing authority, notify the authority to revoke it, if the commission finds after a hearing as provided in NRS 463.310 and 463.312 to 463.3145, inclusive, that the gaming employee *or junket representative* has failed to disclose, misstated or otherwise misled the board in respect to any fact contained within any application for a work permit or, subsequent to being issued a work permit:

(a) Committed, attempted or conspired to do any of the acts prohibited by this chapter or chapter 463B, 464 or 465 of NRS;

(b) Knowingly possessed or permitted to remain in or upon any licensed premises any cards, dice, mechanical device or any other cheating device whatever, the use of which is prohibited by statute or ordinance;

(c) Concealed or refused to disclose any material fact in any investigation by the board;

(d) Committed, attempted or conspired to commit larceny or embezzlement against a gaming licensee or upon the premises of a licensed gaming establishment;

(e) Been convicted in any jurisdiction other than Nevada of any offense involving or relating to gambling;

(f) Accepted employment without prior commission approval in a position for which he could be required to be licensed under this chapter after having been denied a license for a reason involving personal unsuitability or after failing to apply for licensing when requested to do so by the commission;

(g) Been refused the issuance of any license, permit or approval to engage in or be involved with gaming or pari-mutuel wagering in any jurisdiction other than Nevada, or had any such license, permit or approval revoked or suspended;

(h) Been prohibited under color of governmental authority from being present upon the premises of any gaming establishment or any establishment where pari-mutuel wagering is conducted for any reason relating to improper gambling activities or any illegal act;

(i) Contumaciously defied any legislative investigative committee or other officially constituted bodies acting on behalf of the United States or any state, county or municipality which seeks to investigate crimes relating to gaming, corruption of public officials, or any organized criminal activities; or

(j) Been convicted of any felony or gross misdemeanor, other than one constituting a violation of this chapter or chapter 463B, 464 or 465 of NRS.

3. A work permit must not be issued by any authority in this state to a person whose work permit has previously been revoked pursuant to this section, or to whom the issuance or renewal of a work permit has been denied, except with the unanimous approval of the commission members.

4. A gaming employee *or junket representative* whose work card has been revoked pursuant to this section is entitled to judicial review of the commission's action in the manner prescribed by NRS 463.315 to 463.318, inclusive.

5. Nothing in this section limits or prohibits the enforcement of NRS 463.165, 463.560, 463.595, 463.637 or 463.645.

Sec. 9. NRS 463.3403 is hereby amended to read as follows:

463.3403 Any information obtained by the board from any licensee, his employer or agent relating to the termination of *the employment of* a gaming employee *or junket representative* is confidential and must not be disclosed except:

1. Such information obtained from the former employer of an applicant for a work permit must be disclosed to the applicant to the extent necessary to permit him to respond to any objection made by the board to his application for the permit;

2. In the necessary administration of this chapter; or

3. Upon the lawful order of a court of competent jurisdiction.".

Amend the title of the bill by deleting the second line and inserting: "requiring junket representatives to obtain a work permit;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 556.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 578.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 648.

Amend sec. 3, page 2, by deleting line 28 and inserting: "*previously done so unless the:*

*(a) Court orders the defendant to appear in court after his sentencing; or*

*(b) Money deposited by the defendant as bail must be applied to satisfy a judgment pursuant to NRS 178.528.*".

Amend the title of the bill, third line, by deleting "defendant;" and inserting: "defendant under certain circumstances;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 161.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Select Committee on Corrections, to which was referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 299, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 23, 31, 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Concurrent Resolution No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY, JR., *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 410.

Bill read third time.

The following amendment was proposed by Assemblyman Wong:

Amendment No. 720.

Amend the bill as a whole by adding a new section designated sec. 38.5, following sec. 38, to read as follows:

"Sec. 38.5. NRS 616.605 is hereby amended to read as follows:

616.605 1. Every employee, in the employ of an employer within the provisions of this chapter, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section "disability" and "impairment of the whole man" are equivalent terms.

2. The system shall refer an injured employee who is entitled to compensation for a permanent partial disability to the department for a rating by a physician . [or chiropractor.] The administrator shall designate a list of physicians [and chiropractors] qualified to determine the percentage of

disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department. The department shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.

3. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

4. Each 1 percent of impairment of the whole man must be compensated by a monthly payment of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981, and 0.6 percent for injuries sustained on or after July 1, 1981. Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

5. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

6. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

7. The department may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

8. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

9. This section does not entitle any person to double payments for the death of a workman and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

10. Physicians [and chiropractors] must be selected in rotation from the list of qualified physicians [and chiropractors] designated by the administrator pursuant to subsection 2, according to the order in which their names appear on the list.".

Amend the bill as a whole by renumbering sections 44 and 45 as sections 45 and 46 and adding a new section designated sec. 44, following sec. 43, to read as follows:

"Sec. 44. Section 15 of Assembly Bill No. 410 of this session is hereby amended to read as follows:

Sec. 15. 1. An insurer shall schedule a rating for an injured employee within 30 days after the injured employee is determined to be stable and ratable by the treating physician . [or chiropractor.]

2. A rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee.

3. A self-insured employer shall refer an injured employee who is entitled to compensation for a permanent partial disability to the department for a rating by a physician [or chiropractor] selected in rotation from the list of qualified physicians [or chiropractors] designated by the administrator pursuant to subsection 2 of NRS 616.605, according to the order in which their names appear on the list.".

Amend sec. 45, page 18, by deleting line 3 and inserting:

"Sec. 46. 1. Section 26 of this act becomes effective on July 1, 1992.

2. Sections 38.5 and 44 of this act become effective on July 1, 1993.".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblymen Wong and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 33.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

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

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 1:21 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 23, 31, 32, 299, 305, 469, 598; Senate Bill No. 230 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Gregory, Elliott and Norton as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 71.

Mr. Speaker appointed Assemblymen Sader, Porter and Gibbons as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 256.

Mr. Speaker appointed Assemblymen Scherer, Johnson and Bayley as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 304.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 343.

The following Senate amendment was read:

Amendment No. 595.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 661.205 is hereby amended to read as follows:

661.205 Any overdraft [indebtedness must be converted into a solvent note or actually paid within 30 days.] *which is outstanding for more than 90 days may not be considered an asset of the bank unless it is adequately secured and in the process of being collected.*".

Amend the title of the bill, second line, after "banks;" by inserting: "prohibiting certain overdrafts from being considered assets of a bank;".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 343.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 697.

Amend section 1, page 1, by deleting line 20 and inserting: "*the end of the fiscal year during which the money was advanced.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 600.

Amend section 1, page 1, line 12, by deleting the open bracket.

Amend section 1, page 1, by deleting lines 14 through 19 and inserting: "tion 2 of NRS 439A.100 [.] , *regardless of whether approval of the project is required pursuant to that section.*".

Amend sec. 2, pages 1 and 2, by deleting line 20 on page 1 and lines 1 through 10 on page 2 and inserting:

"Sec. 2. NRS 439A.100 is hereby amended to read as follows:

439A.100 1. Except as provided in this section and NRS 439A.103, no person may undertake any project described in subsection 2 without first applying for and obtaining the written approval of the director. The health division of the department of human resources shall not issue a new license or alter an existing license for any project described in subsection 2 unless the director has issued such an approval.

2. The projects for which this approval is required are:

(a) Any proposed expenditure by or on behalf of a health facility in excess of the greater of $4,000,000 or such an amount as the department may specify by regulation, which under generally accepted accounting principles consistently applied is a capital expenditure;

(b) A proposal which increases the number of licensed or approved beds in a health facility other than a hospital above the total of the number of licensed beds and the number of additional beds which have been approved pursuant to this subsection;

(c) A proposal which increases the number of licensed and approved beds in a hospital through the addition of 10 or more beds or a number of beds equal to 10 percent of the licensed or approved capacity of that facility, whichever is less, over a period of 2 years;

(d) The proposed acquisition of any new or used medical equipment which has a market value of more than $1,000,000 or such an amount as the department may specify by regulation, whichever is greater;

(e) The acquisition of an existing health facility if:

(1) The purchaser does not, within a period specified by a regulation of the department, notify it of his intention to acquire the facility; or

(2) The department finds, within 30 days after it receives the notice, that in acquiring the facility the purchaser will change the number of beds;

(f) The construction of a new health facility;

(g) The conversion of an existing office of a practitioner to a health facility, regardless of the cost of the conversion, if the establishment of the office would have met the threshold for review of costs pursuant to paragraph (a) or (d); and

(h) A proposal to establish any of the following services:

(1) The intensive care of newborn babies;

(2) The treatment of burns;

(3) The performance of open-heart surgery;

(4) The transportation of patients by helicopter; or

(5) A center for the treatment of trauma.

3. As used in paragraph (d) of subsection 2, "market value" includes all costs associated with the installation and acquisition of the equipment, whether it is acquired by lease, rent, donation, contractual agreement, purchase, any method of financing or any encumbrance of money.

4. The approval of the director is not required for the addition of 60 beds or less over 3 years to an existing hospital that:

(a) Has a licensed capacity of 75 beds or less; and

(b) Is the only hospital within an incorporated city whose population is 50,000 or more.

5. The provisions of paragraph (a) of subsection 2 do not include any capital expenditure for:

(a) The acquisition of land;

(b) The construction of a facility for parking;

(c) The maintenance of a health facility;

(d) The renovation of a health facility to comply with standards for safety, licensure, certification or accreditation;

(e) The installation of a system to conserve energy;

(f) The installation of a system for data processing or communication; or

(g) Any other project which, in the opinion of the director, does not relate directly to the provision of any health service.

6. The provisions of paragraph (d) of subsection 2 do not include acquisitions of medical equipment proposed primarily to replace existing equipment. The person acquiring the replacement equipment, within a period specified by regulation of the department, shall notify it of his intention to acquire the equipment. The department shall by regulation develop standards to determine whether the primary purpose of a proposed acquisition is to replace existing equipment.

7. In reviewing an application for approval, the director shall:

(a) Comparatively assess applications for similar projects affecting the same geographic area; and

(b) Base his decision on criteria established by the director by regulation. The criteria must include:

(1) The need for and the appropriateness of the project in the area to be served;

(2) The extent to which the project is consistent with the state health plan;

(3) The financial feasibility of the project;

(4) The effect of the project on the cost of health care; and

(5) The extent to which the project is consistent with the purposes set forth in NRS 439A.020 and the priorities set forth in NRS 439A.081.

8. The department may by regulation require additional approval for a proposed change to a project which has previously been approved if the proposal would result in a change in the number of existing beds or a change in the health services which are to be provided, a change in the location of the project or a substantial increase in the cost of the project.

9. The decision of the director is a final decision for the purposes of judicial review.

*10. The provisions of this section do not apply to a project located or proposed to be located in a county whose population is 100,000 or more.*".

Amend sec. 3, page 2, line 22, by deleting the open bracket.

Amend sec. 3, page 2, line 23, by deleting "resources.]" and inserting: "resources [.] *or, if such authorization is not required, the number of beds*".

Amend sec. 4, page 3, line 3, by deleting the open bracket.

Amend sec. 4, page 3, by deleting line 5 and inserting: "439A.100 [;] , *if such approval is required;* or".

Amend sec. 4, page 3, line 6, by deleting the closed bracket.

Amend sec. 5, page 3, by deleting line 13 and inserting:

"(c) Applicant, if he has undertaken a project [enumerated in] *for which approval is required pursuant to* NRS".

Amend sec. 5, page 3, line 16, by deleting the closed bracket.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend sec. 7, page 4, line 6, by deleting the open bracket.

Amend sec. 7, page 4, line 8, by deleting "chapter.]" and inserting: "chapter [.] , *if such approval is required.*".

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 7.

Amend sec. 9, page 4, line 11, by deleting "approved." and inserting: "approved if the application is exempt from the requirement of approval pursuant to the amendatory provisions of this act.".

Amend sec. 9, page 4, line 13, after the semicolon by inserting "and".

Amend sec. 9, page 4, line 14, by deleting "449.060; and" and inserting "449.060,".

Amend sec. 9, page 4, by deleting line 15.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 8.

Amend the bill as a whole by deleting the text of repealed sections.

Amend the title of the bill, first line, by deleting "repealing" and inserting: "limiting to smaller counties the applicability of".

Amend the summary of the bill, first line, by deleting "Repeals" and inserting: "Limits applicability of".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 617.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 5, inclusive,".

Amend sec. 2, page 1, line 3, by deleting "*7*" and inserting "*16*".

Amend sec. 2, page 1, line 4, by deleting: "*alcoholic or abuser of drugs*" and inserting: "*abuser of alcohol or drugs*".

Amend sec. 2, page 1, by deleting lines 13 through 18 and inserting: "*treatment if the offender is not eligible for assignment to an institution or facility of minimum security pursuant to the provisions of NRS 209.481 and the regulations adopted pursuant thereto.*".

Amend sec. 3, page 1, line 25, by deleting: "*alcoholic or abuser of drugs*" and inserting: "*abuser of alcohol or drugs*".

Amend sec. 3, page 2, by deleting lines 5 through 22 and inserting:

"*2. The director may, upon the request of the offender after the initial period of rehabilitation, allow the offender to earn wages under any other program established by the department if the offender assigns to the department any wages he earns under such a program. The director may deduct from the wages of the offender an amount determined by the director, with the approval of the board, to:*

*(a) Offset the costs, as reflected in the budget of the department, to maintain the offender in a facility or institution of the department and in the program of treatment established pursuant to this section; and*".

Amend sec. 4, page 2, by deleting lines 29 through 45 and inserting: "*assign the offender to the custody of the department of parole and probation to serve a term of residential confinement, pursuant to section 12 of this act, for not longer than the remainder of his sentence.*

*2. If an offender assigned to the custody of the department of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:*

*(a) The department of parole and probation may, pursuant to the procedure set forth in section 15 of this act, return the offender to the custody of the department of prisons.*

*(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph*".

Amend sec. 4, page 3, by deleting lines 1 through 6 and inserting:

"*3. The assignment of an offender to the custody of the department of parole and probation pursuant to this section shall be deemed:*

*(a) A continuation of his imprisonment and not a release on parole; and*

*(b) For the purposes of NRS 209.341, an assignment to a facility of the department of prisons,*

*except that such an offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department of prisons.*

*4. No person has a right to be assigned to the custody of the department of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of sections 11 to 15, inclusive, of this act create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.*".

Amend the bill as a whole by renumbering sec. 5 as sec. 12 and adding new sections designated sections 5 through 11, following sec. 4, to read as follows:

"Sec. 5. *As used in NRS 209.433 to 209.449, inclusive, unless the context otherwise requires:*

*1. "Offender" includes a prisoner in residential confinement.*

*2. "Residential confinement" means the confinement of a prisoner, pursuant to section 12 of this act, to his place of residence under the terms and conditions established by the department of parole and probation.*

Sec. 6. NRS 209.433 is hereby amended to read as follows:

209.433 1. Every offender who was sentenced to prison on or before June 30, 1969, who has no serious infraction of the regulations of the department *, the terms and conditions of his residential confinement,* or *the* laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed for his term a deduction of 2 months in each of the first 2 years, 4 months in each of the next 2 years, and 5 months in each of the remaining years of the term, and pro rata for any part of a year where the sentence is for more or less than a year.

2. The mode of reckoning credits must be as shown in the following table:

SCHEDULE OF CREDITS

| Number of years of sentence. | Good time granted. | Total good time made. | Time to be served if full time is made. |
|---|---|---|---|
| 1st year | 2 months | 2 months | 10 months |
| 2nd year | 2 months | 4 months | 1 year, 8 months |
| 3rd year | 4 months | 8 months | 2 years, 4 months |
| 4th year | 4 months | 1 year | 3 years |
| 5th year | 5 months | 1 year, 5 months | 3 years, 7 months |
| 6th year | 5 months | 1 year, 10 months | 4 years, 2 months |
| 7th year | 5 months | 2 years, 3 months | 4 years, 9 months |
| 8th year | 5 months | 2 years, 8 months | 5 years, 4 months |
| 9th year | 5 months | 3 years, 1 month | 5 years, 11 months |
| 10th year | 5 months | 3 years, 6 months | 6 years, 6 months |

and so on through as many years as may be the term of the sentence.

3. In addition to the credits for good behavior provided for in subsection 1, the board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits the credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general equivalency diploma, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if he has satisfied the conditions of subsection 1 or 3 as determined by the director.

*5. The chief parole and probation officer or other person responsible for the supervision of an offender in residential confinement shall report monthly to the director regarding the offender's eligibility for an award of credits pursuant to this section.*

Sec. 7. NRS 209.443 is hereby amended to read as follows:

209.443 1. Every offender who is sentenced to prison after June 30, 1969, for a crime committed before July 1, 1985, who has no serious infraction of the regulations of the department *, the terms and conditions of his residential confinement,* or *the* laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed [for] *:*

*(a) For* the period he is actually incarcerated under sentence *; and*

*(b) For the period he is in residential confinement,*

a deduction of 2 months for each of the first 2 years, 4 months for each of the next 2 years, and 5 months for each of the remaining years of the term, and pro rata for any part of a year where the actual term served is for more or less than a year. Credit must be recorded on a monthly basis as earned for actual time served.

2. Credits accumulate as shown in the following table:

SCHEDULE OF CREDITS

| Number of years served. | Good time granted. | Total good time made. |
|---|---|---|
| 1 year | 2 months | 2 months |
| 2 years | 2 months | 4 months |
| 3 years | 4 months | 8 months |
| 4 years | 4 months | 1 year |
| 5 years | 5 months | 1 year, 5 months |
| 6 years | 5 months | 1 year, 10 months |
| 7 years | 5 months | 2 years, 3 months |
| 8 years | 5 months | 2 years, 8 months |
| 9 years | 5 months | 3 years, 1 month |
| 10 years | 5 months | 3 years, 6 months |

and so on through as many years as may be the term of the sentence. The "total good time made" must be deducted from the maximum term imposed by the sentence and, except as *otherwise* provided in subsection 5, applies to eligibility for parole.

3. In addition to the credits for good behavior provided for in subsection 1, the board shall adopt regulations allowing credits for offenders whose diligence in labor or study merits such credits and for offenders who donate their blood for charitable purposes. The regulations must provide that an offender is entitled to the following credits for educational achievement:

(a) For earning a general equivalency diploma, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

4. Each offender is entitled to the deductions allowed by this section if he has satisfied the conditions of subsection 1 or 3 as determined by the director.

5. Credits earned pursuant to this section do not apply to eligibility for parole if a statute specifies a minimum sentence which must be served before a person becomes eligible for parole.

*6. The chief parole and probation officer or other person responsible for the supervision of an offender in residential confinement shall report monthly to the director regarding the offender's eligibility for an award of credits pursuant to this section.*

Sec. 8. NRS 209.446 is hereby amended to read as follows:

209.446 1. Every offender who is sentenced to prison for a crime committed on or after July 1, 1985, who has no serious infraction of the regulations of the department , *the terms and conditions of his residential confinement,* or *the* laws of the state recorded against him, and who performs in a faithful, orderly and peaceable manner the duties assigned to him, must be allowed [for] *:*

*(a) For* the period he is actually incarcerated under sentence *; and*

*(b) For the period he is in residential confinement,*

a deduction of 10 days from his sentence for each month he serves.

2. In addition to the credit provided for in subsection 1, the director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general equivalency diploma, 30 days.

(b) For earning a high school diploma, 60 days.

(c) For earning an associate degree, 90 days.

3. The director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is entitled to the entire 20 days of credit each month which is authorized in subsections 1 and 2.

4. The director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

5. The board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

6. Credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence which must be served before a person becomes eligible for parole.

*7. The chief parole and probation officer or other person responsible for the supervision of an offender in residential confinement shall report monthly to the director regarding the offender's eligibility for an award of credits pursuant to this section.*

Sec. 9. NRS 209.449 is hereby amended to read as follows:

209.449 *1.* An offender who has no serious infraction of the regulations of the department , *the terms and conditions of his residential confinement,* or the laws of the state recorded against him must be allowed, in addition to the credits provided pursuant to NRS 209.433, 209.443 or 209.446, a deduction of 30 days from the length of his remaining sentence for the completion of a program of vocational education and training. If the offender completes the program of vocational education and training with meritorious or exceptional achievement, the director may allow not more than 60 days of credit in addition to the 30 days allowed for completion of the program.

*2. The chief parole and probation officer or other person responsible for the supervision of an offender in residential confinement shall report to the director regarding the offender's eligibility for an award of credits pursuant to this section.*

Sec. 10. Chapter 213 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 15, inclusive, of this act.

Sec. 11. *As used in sections 11 to 15, inclusive, of this act, unless the context otherwise requires:*

*1. "Department" means the department of parole and probation.*

*2. "Offender" means a prisoner assigned to the custody of the department pursuant to section 4 of this act.*

*3. "Residential confinement" means the confinement of an offender to his place of residence under the terms and conditions established by the department.*".

Amend sec. 5, page 3, by deleting lines 7 through 11 and inserting:

"Sec. 12. *1. The department shall establish procedures for the residential confinement of offenders.*".

Amend sec. 5, page 3, line 12, by deleting "*board*" and inserting "*department*".

Amend sec. 5, page 3, line 13, by deleting "*board*" and inserting "*department*".

Amend sec. 5, page 3, by deleting lines 24 through 28 and inserting: "*vise an offender if it is minimally intrusive and limited in capability to recording or transmitting information concerning the offender's presence at his residence, including, but not limited to, the transmission of still visual images which do not concern the offender's activities while inside his residence. A device which is capable of recording or transmitting:*".

Amend sec. 5, page 3, line 29, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 5, page 3, line 30, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 5, page 3, by deleting lines 33 through 43.

Amend the bill as a whole by deleting sec. 6 and adding new sections designated sections 13 through 15, following sec. 5, to read as follows:

"Sec. 13. *The chief parole and probation officer shall:*

*1. Furnish to an offender a written statement of the terms and conditions of his residential confinement;*

*2. Instruct the offender regarding those terms and conditions; and*

*3. Advise the director of the department of prisons of any violation of those terms and conditions and of the escape of the offender.*

Sec. 14. *If an offender is absent, without authorization, from his residence, employment, treatment or other activity authorized by the department:*

*1. He shall be deemed an escaped prisoner; and*

*2. The chief parole and probation officer may issue a warrant for his arrest. A peace officer shall execute the warrant in the same manner as ordinary criminal process.*

Sec. 15. *1. Before an offender may be returned to the custody of the department of prisons because of his escape or violation of a term or condition of his residential confinement, the department of parole and probation must conduct an inquiry to determine whether the offender has committed acts that would constitute such an escape or violation.*

*2. The inquiry must be conducted before an inquiring officer who:*

*(a) Is not directly involved in the case;*

*(b) Has not made the report of the escape or violation; and*

*(c) Has not recommended the return of the offender to the custody of the department of prisons.*

*3. The inquiring officer shall:*

*(a) Provide the offender with notice of the inquiry and of the acts alleged to constitute his escape or violation of a term or condition of his residential confinement, and with an opportunity to be heard on the matter.*

*(b) Upon completion of the inquiry, submit to the chief parole and probation officer his findings and recommendation regarding the return of the offender to the custody of the department of prisons.*

*4. After considering the findings and recommendation of the inquiring officer, the chief parole and probation officer shall determine whether to return the offender to the custody of the department of prisons. The decision of the chief parole and probation officer is final.*

*5. Before returning an offender to the custody of the department of prisons, the department of parole and probation shall provide the offender with a copy of the findings of the inquiring officer.*".

Amend the bill as a whole by renumbering sec. 7 as sec. 16.

Amend sec. 7, page 4, line 12, by deleting: "*alcoholic or abuser of drugs*" and inserting: "*abuser of alcohol or drugs*".

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 7, to read as follows:

"Sec. 17. Section 8 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill by deleting the first line and inserting: "An Act relating to criminal offenders; providing for the treatment of certain".

Amend the summary of the bill, first line, by deleting "Requires program" and inserting "Provides".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 305 be re-referred to the Select Committee on Corrections.

Motion carried.

Bill ordered reprinted, engrossed and to the Select Committee on Corrections.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 454.

Amend section 1, page 1, line 5, after "*chapter*" by inserting "*449,*".

Amend section 1, page 1, by deleting lines 6 through 20 and inserting:

"*2. The committee shall review each regulation that a licensing board proposes or adopts that relates to standards for licensing or to the renewal of a license issued to a person or facility regulated by the board, giving consideration to:*

*(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;*

*(b) The effect of the regulation on the cost of health care in this state;*

*(c) The effect of the regulation on the number of licensed persons and facilities available to provide services in this state; and*

*(d) Any other related factor the committee deems appropriate.*

*3. After reviewing a proposed regulation, the committee shall notify the agency of the opinion of the committee regarding the advisability of adopting or revising the proposed regulation.*

*4. The committee shall recommend to the legislature as a result of its review of regulations pursuant to this section any appropriate legislation.*".

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

"Sec. 2. NRS 233B.063 is hereby amended to read as follows:

233B.063 1. At or before the time of giving notice of its intention to adopt, amend or repeal a permanent regulation an agency shall deliver to the legislative counsel a copy of the proposed regulation or amendment or an identification of the regulation to be repealed. The legislative counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to him between August 1 of an even-numbered year and June 15 of the succeeding odd-numbered year, the legislative counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to him. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the legislative counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted during the August 1-June 15 period mentioned in subsection 2, the legislative counsel shall return it with any appropriate revisions within 30 days. *If the agency is a licensing board as defined in section 1 of this act and*

*the proposed regulation relates to standards for licensing or for the renewal of a license issued to a person or facility regulated by the agency, the legislative counsel shall also deliver one copy of the approved or revised text of the regulation to the legislative committee on health care.*

3. An agency may adopt a temporary regulation between September 1 of an even-numbered year and June 15 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on September 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between September 1 of an even-numbered year and June 15 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.".

Amend sec. 2, page 2, by deleting line 23 and inserting: "*legislative committee on health care within 10 days after the regulation is filed with the secretary of state.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. This act becomes effective on June 15, 1991.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 598.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 649.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. Chapter 193 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in section 3 of this act, any person who is convicted of a felony committed knowingly for the*".

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "*sentence prescribed by statute for the crime.*".

Amend section 1, page 2, by deleting lines 13 and 14 and inserting: "*imposed pursuant to this section, expert testimony is admissible to show particular conduct, status and customs indicative of criminal gangs, including, but not limited to:*

*(a) Characteristics of persons who are members of criminal gangs;*".

Amend section 1, page 2, by deleting lines 24 through 27 and inserting:

*"6. As used in this section, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:*

*(a) Has a common name or identifying symbol;*

*(b) Has particular conduct, status and customs indicative of it; and*

*(c) Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.".*

Amend the bill as a whole by adding new sections designated sections 3 through 10, following section 1, to read as follows:

"Sec. 3. *1. A person who is sentenced to an additional term of imprisonment pursuant to the provisions of NRS 193.161, 193.163, 193.165, 193.167, 453.3343 or 453.3345 or section 2 of this act must not be sentenced to an additional term of imprisonment pursuant to any of the other listed sections even if the person's conduct satisfies the requirements for imposing an additional term of imprisonment pursuant to another one or more of those sections.*

*2. This section does not:*

*(a) Affect other penalties or limitations upon probation or suspension of a sentence contained in the sections listed in subsection 1.*

*(b) Prohibit alleging in the alternative in the indictment or information that the person's conduct satisfies the requirements of more than one of the sections listed in subsection 1 and introducing evidence to prove the alternative allegations.*

Sec. 4. NRS 193.161 is hereby amended to read as follows:

193.161 1. [Any] *Except as otherwise provided in section 3 of this act, any* person who commits a felony on a school bus while the bus is engaged in its official duties shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section, "school bus" has the meaning ascribed to it in NRS 483.160.

Sec. 5. NRS 193.163 is hereby amended to read as follows:

193.163 1. [Any] *Except as otherwise provided in section 3 of this act, any* person who uses a handgun containing a metal-penetrating bullet in the commission of a crime shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime . [and any other additional penalty imposed by statute.]

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. As used in this section, "metal-penetrating bullet" has the meaning ascribed to it in NRS 202.273.

Sec. 6. NRS 193.165 is hereby amended to read as follows:

193.165 1. [Any] *Except as otherwise provided in section 3 of this act, any* person who uses a firearm or other deadly weapon or a weapon containing or capable of emitting tear gas, whether or not its possession is permitted by NRS 202.375, in the commission of a crime shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for [such] *the* crime. The sentence prescribed by this section [shall run] *runs* consecutively with the sentence prescribed by statute for [such] *the*crime.

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. The provisions of subsections 1 and 2 do not apply where the use of a firearm, other deadly weapon or tear gas is a necessary element of such crime.

4. The court shall not grant probation to or suspend the sentence of any person who is convicted of using a firearm, other deadly weapon or tear gas in the commission of any of the following crimes:

(a) Murder;

(b) Kidnaping in the first degree;

(c) Sexual assault; or

(d) Robbery.

Sec. 7. NRS 193.167 is hereby amended to read as follows:

193.167 1. [Any] *Except as otherwise provided in section 3 of this act, any* person who commits the crime of:

(a) Assault;

(b) Battery;

(c) Kidnaping;

(d) Robbery;

(e) Sexual assault;

(f) Embezzlement of money or property of a value of $250 or more;

(g) Obtaining money or property of a value of $250 or more by false pretenses; or

(h) Taking money or property from the person of another,

against any person who is 65 years of age or older shall be punished by imprisonment in the county jail or state prison, whichever applies, for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime . [and any other additional penalty prescribed by statute.]

2. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 8. NRS 453.3343 is hereby amended to read as follows:

453.3343 1. [Any] *Except as otherwise provided in section 3 of this act, any* person who procures or solicits a minor as an agent to violate NRS 453.321 or 453.323 shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime committed by the person who procures or solicits the minor . [and any other additional penalty imposed by statute.]

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 9. NRS 453.3345 is hereby amended to read as follows:

453.3345 1. Unless a greater penalty is provided in NRS 453.333 or 453.334, *and except as otherwise provided in section 3 of this act,* any person who violates NRS 453.321 or 453.323:

(a) On the grounds of a public or private school, a playground, public swimming pool, recreational center for youths or a video arcade;

(b) On a campus of the University of Nevada System;

(c) Within 1,000 feet of the perimeter of such a school ground or campus, playground, pool, recreational center or arcade; or

(d) Within 1,000 feet of a school bus stop from 1 hour before school begins until 1 hour after school ends during scheduled school days,

shall be punished by imprisonment in the state prison for a term equal to and in addition to the term of imprisonment prescribed by statute for the crime. The sentence prescribed by this section runs consecutively with the sentence prescribed by statute for the crime . [and any other additional penalty imposed by statute.]

2. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

3. For the purposes of this section:

(a) "Playground" means any outdoor facility, intended for recreation, open to the public and in any portion thereof containing one or more apparatus intended for the recreation of children, such as a sliding board, teeterboard, sandbox or swingset.

(b) "Recreational center for youths" means a recreational facility or gymnasium, which regularly provides athletic, civic or cultural activities for persons under 18 years of age.

(c) "School bus" has the meaning ascribed to it in NRS 483.160.

(d) "Video arcade" means a facility legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement which contains a minimum of 10 such machines.

Sec. 10. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to punishment for crimes; establishing an additional penalty for conviction of a felony committed with the intent to promote, further or assist the activities of a criminal gang; limiting the imposition of certain additional penalties for particular conduct in connection with a crime; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "gangs." and inserting: "gangs and limits imposition of certain additional penalties.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Senate Bill No. 230 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Judiciary.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 164; Assembly Concurrent Resolution No. 73; Senate Joint Resolution No. 12 of the 65th Session.

## REMARKS FROM THE FLOOR

Mr. Speaker requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

Thank you, Mr. Speaker. Mr. Speaker, no doubt many of us have read a report regarding statements allegedly ascribed to me regarding Senator Horn this morning.

Those of you who know me know that I do not mince words when I advocate for providing for our children and adults the best education possible, or when fighting to provide our seniors with dignity and safety they deserve. I am often blunt and plain-spoken when fighting for what I believe in.

Mr. Speaker, in our zeal to fight for what we believe, to stand up for what we feel our constituents want, each of us is vulnerable to uttering a hasty word we can't recall. Sometimes we are misheard or misunderstood. Sometimes people who are not our friends fabricate statements for their own gain. That's unfortunate, but that's also human nature.

However, Mr. Speaker, I want this body to know and understand that I did not make such a remark regarding Senator Horn. I want this body to know that I have long regarded Senator Horn as a friend and as a stand-up advocate for the causes he believes in.

Because of my regard for Senator Horn, I've supported his campaign and walked door-to-door with him personally, on his behalf. Over the years, I have had the opportunity to work closely with him and I believe I've earned the right to call him my friend.

I met with Senator Horn early this morning to express my dismay that such unfortunate and untrue rumors were even repeated. Senator Horn gave me a warm hug and told me that rumors and innuendo would not interfere with our friendship.

Mr. Speaker, I am sorry if these rumors have caused pain to Senator Horn, his friends and his supporters. I rise to put these rumors to rest and to reaffirm my friendship with a stand-up guy. Thank you.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Allin Chandler and Tim Sands.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kim Hathaway and Mr. Matt Sharp.

Assemblyman Evans moved that the Assembly adjourn until Friday, May 17, 1991 at 12 noon.

Motion carried.

Assembly adjourned at 1:33 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 17, 1991

Assembly called to order at 12:06 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Today we come with gratitude for another day. Teach us daily to live life to the full. Be with Your servants in this chamber, in all things great and small so that small things become great and great things become possible. Where we are wrong, make us willing to change and where we are right, make us easy to live with. We ask in the name of Him who is the giver of all life. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 509, 635, 699, 701; Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 223, 562, 564, 579, 606, 694; Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 505, 525.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 250, 322.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 54.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

Assembly Concurrent Resolution No. 67.

Assemblyman Bergevin moved the adoption of the resolution.

Remarks by Assemblyman Bergevin.

Resolution adopted.

Assemblyman Evans moved that Assembly Bill No. 598 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Bennett moved that Assembly Bill No. 248 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 254 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 410 be placed on the General File immediately following Assembly Bill No. 587.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 753—An Act relating to the legislature; increasing the compensation of the employees of the legislature; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 23:

YEAS—42.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 31:

YEAS—42.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 365:

YEAS—40.

NAYS—Anderson, Haller—2.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblymen Carpenter, Callister and Sader.

Roll call on Assembly Bill No. 491:

YEAS—42.

NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 556.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 556:

YEAS—28.

NAYS—Bayley, Evans, Gibbons, Gregory, Hardy, Humke, Lambert, Little, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Wong—14.

Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 567:

YEAS—40.

NAYS—None.

Not voting—Gregory, Spitler—2.

Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 571.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 571:

YEAS—39.

NAYS—None.

Not voting—Gregory, Lambert, Spitler—3.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 587.

Bill read third time.

Remarks by Assemblymen Goetting, Callister and Garner.

Assemblyman Callister moved that Assembly Bill No. 587 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Callister.

Motion carried.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Humke.

Roll call on Assembly Bill No. 410:

YEAS—36.

NAYS—Humke, Little, Pettyjohn, Scherer, Spriggs, Wong—6.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 161:

YEAS—40.

NAYS—Stout.

Not voting—Mr. Speaker.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 172:

YEAS—39.

NAYS—Lambert, McGaughey, Spriggs—3.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 40, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| ROBERT A. WONG | VIRGIL M. GETTO |
| JAMES W. MCGAUGHEY | RANDOLPH J. TOWNSEND |
| SAUNDRA KRENZER | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Wong moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 40.

Remarks by Assemblyman Wong.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 23, 31, 365, 491, 556, 567, 571, 410; Assembly Concurrent Resolutions Nos. 54, 67 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 223, 385, 509, 515, 562, 563, 564, 579, 606, 635, 694, 699, 701; Senate Bills Nos. 68, 98, 360, 505; Senate Joint Resolution No. 7 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:06 p.m.

## ASSEMBLY IN SESSION

At 1:11 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 404.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 17.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## SECOND READING AND AMENDMENT

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 711.

Amend sec. 2, page 1, line 4, by deleting "*I*" and inserting "*A*".

Amend sec. 2, page 1, line 23, by deleting "*I:*" and inserting "*A:*".

Amend sec. 3, page 2, line 5, by deleting "*II:*" and inserting "*B:*".

Amend sec. 3, page 2, line 11, by deleting "*II:*" and inserting "*B:*".

Amend sec. 3, page 2, after line 47 by inserting:

"*(s) The bailiff of the supreme court and bailiffs of the district courts, justices' courts and municipal courts.*

*(t) Legislative police officers of the State of Nevada.*

*(u) School police officers appointed pursuant to NRS 391.100.*".

Amend sec. 4, page 3, line 2, by deleting "*III*" and inserting "*C*".

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

"*(a) Carry a weapon, whether or not he is engaged in the performance of his duties.*".

Amend sec. 4, page 3, line 8, by deleting "*III:*" and inserting "*C:*".

Amend sec. 4, page 3, by deleting lines 9 and 10 and inserting:

"*(a) Investigative personnel of the Nevada gaming commission and the state gaming control board.*".

Amend sec. 4, page 3, by deleting lines 27 and 28.

Amend sec. 4, page 3, line 29, by deleting "*(l)*" and inserting "*(j)*".

Amend sec. 4, page 3, line 31, by deleting "*(m)*" and inserting "*(k)*".

Amend sec. 4, page 3, line 33, by deleting "*(n)*" and inserting "*(l)*".

Amend sec. 4, page 3, line 34, by deleting "*(o)*" and inserting "*(m)*".

Amend sec. 4, page 3, line 36, by deleting "*(p)*" and inserting "*(n)*".

Amend sec. 4, page 3, line 38, by deleting "*(q)*" and inserting "*(o)*".

Amend sec. 5, page 3, line 39, by deleting "*an*" and inserting "*a peace*".

Amend sec. 5, page 4, line 4, by deleting "*IV:*" and inserting "*D:*".

Amend sec. 5, page 4, by deleting line 12 and inserting: "*control board and the executive and supervisory personnel of*".

Amend sec. 5, page 4, between lines 19 and 20, by inserting:

"*(f) Investigators employed by the consumer affairs division of the department of commerce pursuant to NRS 599B.060.*".

Amend sec. 6, page 4, line 30, by deleting "*V:*" and inserting "*E:*".

Amend sec. 9, page 5, line 23, by deleting "*or 4*" and inserting: ", *4 or 5*".

Amend sec. 11, page 6, line 11, after "probation officers" by inserting: "who are required to be certified by NRS [481.054] *481.053*".

Amend sec. 11, page 6, line 13, by deleting "*III*" and inserting "*C*".

Amend sec. 12, page 6, line 31, after "probation officers" by inserting: "who are required to be certified by NRS [481.054] *481.053*".

Amend sec. 12, page 6, line 33, by deleting "*III*" and inserting "*C*".

Amend sec. 13, page 6, line 40, by deleting "*III*" and inserting "*C*".

Amend sec. 14, page 7, by deleting lines 18 through 20 and inserting:

"(c) *"Peace officer" means any person enumerated in section 2, 3 or 4 of this act.*".

Amend sec. 15, page 7, by deleting lines 34 through 36 and inserting:

"*(2) "Peace officer" means any person enumerated in section 2, 3 or 4 of this act.*".

Amend sec. 15, page 7, between lines 43 and 44, by inserting:

"*(e) Magistrates and honorably retired magistrates of the State of Nevada.*".

Amend sec. 16, page 8, line 13, by deleting "*III.*" and inserting "*C.*".

Amend sec. 17, page 8, line 25, by deleting "*III*" and inserting "*C*".

Amend sec. 18, page 8, line 30 by deleting "*III*" and inserting "*C*".

Amend sec. 19, page 8, line 35, by deleting "*III*" and inserting "*C*".

Amend sec. 20, page 8, line 45, by deleting "*II.*" and inserting "*B.*".

Amend sec. 21, page 9, line 2, by deleting "*II.*" and inserting "*B.*".

Amend sec. 22, page 9, line 5, by deleting "*4*" and inserting "*3*".

Amend sec. 22, page 9, line 6, by deleting "*III*" and inserting "*B*".

Amend sec. 23, page 9, line 20, by deleting "*II.*" and inserting "*B.*".

Amend sec. 24, page 9, line 24, by deleting "*III*" and inserting "*C*".

Amend sec. 25, page 10, line 3, by deleting "*II.*" and inserting "*B.*".

Amend sec. 26, page 10, line 9, by deleting "*III.*" and inserting "*C.*".

Amend sec. 27, page 10, line 28, by deleting "*III*" and inserting "*C*".

Amend sec. 28, page 11, line 16, by deleting "*I.*" and inserting "*A.*".

Amend sec. 29, page 11, line 38, by deleting "*III.*" and inserting "*C.*".

Amend sec. 30, page 12, line 10, by deleting "*III.*" and inserting "*C.*".

Amend sec. 31, page 12, by deleting line 28, and inserting: "officers.] *specified in section 3 of this act for peace officers in category B.*".

Amend sec. 33, page 12, line 42, by deleting "*II,*" and inserting "*B,*".

Amend sec. 34, page 13, line 13, by deleting "*II.*" and inserting "*B.*".

Amend sec. 36, page 14, by deleting line 47 and inserting: "commission and the executive [, supervisory and investigative] *and supervisory* personnel of".

Amend sec. 36, page 15, line 2, by deleting "*IV.*" and inserting:

"*D. The investigative personnel of the board and commission have the powers specified in section 4 of this act for officers in category C.*".

Amend sec. 36, page 15, line 7, by deleting "*II.*" and inserting "*B.*".

Amend sec. 37, page 16, line 2, by deleting "*V.*" and inserting "*E.*".

Amend sec. 37, page 16, line 14, by deleting "*II,*" and inserting "*B,*".

Amend sec. 38, page 16, line 41, by deleting "*II*" and inserting "*B*".

Amend sec. 39, page 17, line 15, by deleting "*II.*" and inserting "*B.*".

Amend sec. 40, page 17, line 36, by deleting "*II*" and inserting "*B*".

Amend sec. 41, page 18, line 24, by deleting "*IV.*" and inserting "*D.*".

Amend sec. 42, page 20, line 9, by deleting the period and inserting: "*whose official duties require them to enforce court orders on juvenile offenders and make arrests.*".

Amend sec. 43, page 20, line 27, by deleting "*I.*" and inserting "*A.*".

Amend sec. 44, page 20, line 42, by deleting "*II.*" and inserting "*B.*".

Amend sec. 47, page 21, line 47, by deleting "*II.*" and inserting "*B.*".

Amend sec. 48, page 22, line 11, by deleting "*V;*" and inserting "*E;*".

Amend sec. 49, page 22, line 21, by deleting "*V.*" and inserting "*E.*".

Amend sec. 51, page 22, line 33, by deleting "*III.*" and inserting "*C.*".

Amend sec. 52, page 23, line 3, by deleting "*V.*" and inserting "*E.*".

Amend sec. 53, page 23, line 23, by deleting "is" and inserting "are".

Amend sec. 53, page 24, by deleting lines 2 through 5 and inserting: "charges, the state department of agriculture shall sell the animal. The department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.".

Amend sec. 54, page 24, line 10, by deleting "*III.*" and inserting "*C.*".

Amend sec. 55, page 24, line 17, by deleting "*III.*" and inserting "*C.*".

Amend sec. 56, page 24, line 22, by deleting "*III*" and inserting "*C*".

Amend sec. 57, page 24, line 37, by deleting "*III*" and inserting "*C*".

Amend sec. 58, page 25, line 6, by deleting "*III.*" and inserting "*C.*".

Amend sec. 58, page 25, line 8, by deleting "*V*" and inserting "*E*".

Amend sec. 60, page 25, by deleting lines 12 through 17 and inserting:

"Sec. 60. 1. Nothing contained in the amendatory provisions of this act:

(a) Confers any right or entitlement upon any person under the provisions of chapter 286 of NRS; or

(b) Impairs any such right or entitlement existing before October 1, 1991.

2. The assignment of any peace officer to a particular category as a result of this act must not affect his status existing before October 1, 1991, for the purposes of chapter 286 of NRS.".

Amend the bill as a whole by adding new sections designated sections 61 and 62, following sec. 60, to read as follows:

"Sec. 61. 1. Sections 11, 12, 42 and 59 of this act become effective at 12:01 a.m. on October 1, 1991.

Sec. 62. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to the powers of a peace officer or words or terms of similar import to refer to the authority conferred in sections 2 to 6, inclusive, of this act in any section which is not amended by this act or is further amended by another act.".

Amend the text of repealed sections by revising the text of NRS 481.054 to read as follows:

"481.054 Peace officers' standards and training committee: Officers and employees of state and local government required to be certified by committee. The following officers and employees of state and local government must be certified by the committee:

1. The bailiff of the supreme court;

2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

4. Constables and their deputies whose official duties require them to carry weapons and make arrests;

5. Personnel of the Nevada highway patrol appointed to exercise the police powers specified in NRS 481.150 and 481.180;

6. Inspectors employed by the public service commission of Nevada who exercise those enforcement powers conferred by chapters 704, 705 and 706 of NRS;

7. Marshals, policemen and correctional officers of cities and towns;

8. Parole and probation officers;

9. Special investigators who are employed full time by the office of any district attorney or the attorney general;

10. Investigators of arson for fire departments who are specially designated by the appointing authority;

11. Members of the police department of the University of Nevada System;

12. The assistant and deputies of the state fire marshal;

13. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred in chapter 565 of NRS;

14. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;

15. The superintendents and correctional officers of the department of prisons;

16. Employees of the division of state parks of the department of conservation and natural resources designated by the administrator of the division who exercise police powers specified in NRS 407.065;

17. School police officers employed by the board of trustees of any county school district;

18. Agents of the state gaming control board who:

(a) Exercise the powers of enforcement specified in NRS 463.140 or 463.1405; or

(b) Investigate a violation of a provision of chapter 205 of NRS in the form of a crime against property of a gaming licensee,

except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

19. The chief, investigators and agents of the investigation division of the department of motor vehicles and public safety;

20. Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.048;

21. Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.0481;

22. The personnel of the department of wildlife who exercise those enforcement powers conferred by Title 45 and chapter 488 of NRS;

23. Legislative police officers of the State of Nevada;

24. Police officers of the buildings and grounds division of the department of general services;

25. Parole counselors of the youth services division of the department of human resources;

26. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada whose official duties require them to enforce court orders on juvenile offenders and make arrests;

27. Field investigators of the taxicab authority; and

28. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 696.

Amend section 1, page 1, by deleting line 4 and inserting: "*drivers' license division may also be offered at*".

Amend section 1, page 1, line 6, by deleting "*shall*" and inserting "*may*".

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

"An Act relating to the department of motor vehicles and public safety; authorizing the director of the department to render certain services of the department at locations other than at an office of the department; authorizing the director to establish and collect a surcharge for".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 509.

Bill read second time.

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

Amendment No. 548.

Amend sec. 5, page 2, by deleting lines 24 through 34 and inserting: "*taxable compensation or other forms of compensation other than deferred compensation,* for the benefit of all state officers and employees and other persons who participate in the state's program of group insurance.

2. Except as otherwise provided in this subsection, negotiate and contract with the governing body of any public agency enumerated in NRS 287.010 which is desirous of obtaining group insurance for its officers, employees and retired employees by participation in the state's program of group insurance. The committee shall establish separate rates and coverage for those officers, employees and retired employees based on actuarial reports.".

Amend sec. 5, page 2, by deleting lines 41 through 45 and inserting: "*compensation pursuant to 26 U.S.C. § 125,* from any [insurance] company qualified to do business in this state or provide similar coverage through a plan of self-insurance for the benefit of all eligible public officers, employees and retired employees who participate in the state's program . [of group insurance.]".

Amend sec. 5, page 3, line 7, by deleting "and".

Amend sec. 5, page 3, by deleting line 9 and inserting: "agencies enumerated in NRS 287.010; and

(c) The levels of participation in the state's program required for employees of participating public agencies.".

Amend sec. 5, page 3, line 15, by deleting "*holidays*" and inserting: "*holidays, deferred compensation*".

Amend the bill as a whole by deleting sections 16 through 19 and renumbering sections 20 and 21 as sections 16 and 17.

Amend the bill as a whole by deleting sections 22, 23 and the text of repealed section and adding a new section designated sec. 18, following sec. 21, to read as follows:

"Sec. 18. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 693.

Amend section 1, page 1, line 3, after "*workplace for*" by inserting: "*at least 125*".

Amend section 1, page 1, by deleting line 11 and inserting: "*work in the facility.*".

Amend sec. 2, page 1, line 12, by deleting "1992." and inserting "1993.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 515 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 562.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 706.

Amend section 1, page 2, by deleting lines 10 through 13 and inserting:

"[For filing and indexing articles of incorporation..... 10

For each amendment, acceptance of appointment of a resident agent, list of officers, dissolution or reinstatement..... 5]".

Amend the title of the bill, first line, by deleting "increasing" and inserting "revising".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 563.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 564.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 647.

Amend section 1, page 1, line 2, by deleting: "174.065 1. On" and inserting:

"174.065 Except as otherwise provided in section 1 of [this act:] *chapter 153, Statutes of Nevada 1991:*

1. On".

Amend sec. 2, page 1, line 19, by deleting "[If," and inserting "*1.* If,".

Amend sec. 2, page 1, line 21, by deleting the bracket.

Amend sec. 2, pages 1 and 2, by deleting lines 22 through 25 on page 1 and lines 1 through 26 on page 2 and inserting:

"*2. The court may, on a motion of a defendant or on its own motion, which is made after the jury returns a verdict of guilty, set aside the verdict and enter a judgment of acquittal if the evidence is insufficient to sustain a conviction. The motion for a judgment of acquittal must be made within 7 days after the jury is discharged or within such further time as the court may fix during that period.*

*3. If a motion for a judgment of acquittal after a verdict of guilty pursuant to this section is granted, the court shall also determine whether any motion for a new trial should be granted if the judgment of acquittal is thereafter vacated or reversed. The court shall specify the grounds for that determination. If the motion for a new trial is granted conditionally, the order thereon does not affect the finality of the judgment. If the motion for a new trial is granted conditionally and the judgment is reversed on appeal, the new trial must proceed unless the appellate court has otherwise ordered. If the motion is denied conditionally, the defendant on appeal may assert error in that denial, and if the judgment is reversed on appeal, subsequent proceedings must be in accordance with the order of the appellate court.*".

Amend sec. 3, page 2, by deleting lines 33 through 36 and inserting:

"(b) To the supreme court from an order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "judgment of acquittal; and providing other matters".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 579.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 650.

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

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any person who manufactures, purchases, possesses, sells, advertises for sale or transports a hoax bomb and knows or should have known that it is to be used to make a reasonable person believe that it is an explosive or incendiary device is guilty of a gross misdemeanor.*

*2. The provisions of subsection 1 do not prohibit:*

*(a) The purchase, possession, sale, advertising for sale, transportation or use of a military artifact, if the military artifact is harmless or inert, unless the military artifact is used to make a reasonable person believe that the military artifact is an explosive or incendiary device.*

*(b) The authorized manufacture, purchase, possession, sale, transportation or use of any material, substance or device by a member of the Armed Forces of the United States, a fire department or a law enforcement agency if the person is acting lawfully while in the line of duty.*

*(c) The manufacture, purchase, possession, sale, transportation or use of any material, substance or device that is permitted by a specific statute.*

*3. As used in this section:*

*(a) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.*

*(b) "Hoax bomb" means:*

*(1) An inoperative facsimile or imitation of an explosive or incendiary device; or*

*(2) A device or object that appears to be or to contain an explosive or incendiary device.*".

Amend the title of the bill to read as follows:

"An Act relating to crimes; prohibiting the manufacture, purchase, possession, sale, transportation and advertisement for sale of a hoax bomb; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits manufacture, purchase, possession, sale, transportation and advertisement for sale of hoax bomb. (BDR 15-1336)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 606.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 652.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting:

"*(d) The number of children who are waiting to be adopted, including statistical information regarding:*

*(1) The gender and ethnic background of the children who are waiting to be adopted;*

*(2) The number of children placed in foster homes who are waiting to be adopted;*

*(3) The number of children with special needs who are waiting to be adopted; and*

*(4) The number of siblings who are waiting to be adopted;*

*(e) The name and location of agencies in Nevada that place children with adoptive parents;*

*(f) The number of prospective adoptive parents;*

*(g) A comparison of Nevada to the surrounding states regarding the placement of children with adoptive parents; and*

*(h) A comparison of the welfare division to other agencies located in Nevada regarding the placement of children with adoptive parents.*".

Amend section 1, page 1, line 11, by deleting "*shall distribute*" and inserting: "*shall:*

*(a) Revise the information in the booklet every 6 months.*

*(b) Distribute*".

Amend sec. 2, page 2, by deleting line 12 and inserting: "*money or other valuable consideration is paid:*

*(a) For such information; or*

*(b) For any other service related to the adoption that is performed after sharing information.*".

Amend the title of the bill, second line, by deleting "prepare" and inserting: "prepare, revise".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 635.

Bill read second time.

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

Amendment No. 722.

Amend section 1, pages 1 and 2, by deleting lines 25 and 26 on page 1 and lines 1 and 2 on page 2 and inserting: "15 days of sick leave in any 1 school year. [Accumulated] *Except as otherwise provided in this subsection, if an employee of a school district takes a position with another school district, all* sick leave [up to a maximum of 30 days may] *that he has accumulated must* be transferred from [one] *his former* school district to [another.] *his new school district. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district provides otherwise, such an employee:*

*(a) Shall first use the sick leave credited to the employee from the district into which he transferred before using any of the transferred leave; and*

*(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.*".

Amend the title of the bill, second line, after "district;" by inserting: "providing certain limitations and exceptions;".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 694.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

Amend section 1, page 1, line 7, after the period by inserting: "*Restitution ordered pursuant to this section is a secondary obligation to any other order, whether previously or subsequently entered, which requires the payment of restitution to a specifically identified victim.*".

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "*tion 1, the court shall consider the:*

*(a) Quantity of controlled substances sold or distributed by the defendant;*

*(b) Frequency of the sales or distributions by the defendant; and*

*(c) Approximate number of persons who were supplied with*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 699.

Bill read second time.

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

Amendment No. 721.

Amend section 1, page 1, line 16, after "*substances,*" by inserting "*illegal*".

Assemblyman Little moved the adoption of the amendment.

Remarks by Assemblyman Little.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 701.

Bill read second time.

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

Amendment No. 717.

Amend sec. 12, page 4, by deleting lines 1 and 2 and inserting:

"2. Persons required by federal law to participate in the federal retirement".

Amend sec. 14, page 5, by deleting lines 1 and 2 and inserting: "prescribed in this chapter. The local government may, if so requested by the".

Amend sec. 14, page 5, by deleting line 8 and inserting "3. In".

Amend sec. 17, pages 6 and 7, by deleting lines 32 through 47 on page 6 and 1 through 7 on page 7 and inserting:

"Sec. 17. (Deleted by amendment.)".

Amend sec. 22, page 10, by deleting lines 1 and 2 and inserting:

"286.510 1. Except as *otherwise* provided in subsection 2, a member of the".

Amend sec. 22, page 10, by deleting line 6 and inserting "2. A".

Amend sec. 22, page 10, line 18, by deleting "A" and inserting: "[A] *Except as otherwise required as a result of section 4 of this act, a*".

Amend the bill as a whole by deleting sec. 44 and renumbering sections 45 through 48 as sections 44 through 47.

Amend sec. 45, page 19, by deleting line 16 and inserting "218.2388".

Amend sec. 45, page 19, line 23, by deleting "An" and inserting: "[An] *Except as otherwise required as a result of section 33 of this act, an*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 651.

Amend section 1, page 2, line 2, by deleting "*defendant,*" and inserting: "*defendant or, if there is more than one defendant, the total delay caused by all the defendants,*".

Amend section 1, page 2, line 14, after "*defendant*" by inserting: "*or, if there is more than one defendant, the total delay caused by all the defendants,*".

Amend sec. 2, page 2, lines 37 and 38, by deleting "*that date.*" and inserting: "*the anniversary date of the commencement of the action.*".

Amend sec. 2, page 2, line 44, by deleting "*that date.*" and inserting: "*the anniversary date of the final judgment.*".

Amend sec. 2, page 3, line 2, by deleting "*continued,*" and inserting: "*continued past 2 years after the commencement of the action,*".

Amend sec. 2, page 3, line 3, by deleting "*defendant.*" and inserting: "*defendant or, if there is more than one defendant, the total delay caused by all the defendants.*".

Amend sec. 2, page 3, by deleting line 5 and inserting: "*defendant or, if there is more than one defendant, the total delay caused by all defendants that would cause the trial to be continued past 2 years after the commencement of the action.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 98.

Bill read second time and ordered to third reading.

Senate Bill No. 360.

Bill read second time.

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

Amendment No. 578.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 540 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 through 4 of this act.

Sec. 2. *As used in sections 2.5, 3 and 4 of this act, "supplier of water" includes, but is not limited to:*

*1. Any county, city, town, local improvement district, general improvement district and water conservancy district;*

*2. Any water district, water system, water project or water planning and advisory board created by a special act of the legislature; and*

*3. Any other public or private entity,*

*that supplies water for municipal, industrial or domestic purposes. The term does not include a public utility required to adopt a plan of water conservation pursuant to section 6 of this act.*

Sec. 2.5. *1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in*

*accordance with the provisions of section 3 of this act. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water may request assistance from the division to develop the plan.*

*2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.*

*3. The plan must be reviewed by the division within 30 days after its submission and approved for compliance with this section before it is adopted by the supplier of water.*

*4. The plan:*

*(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and*

*(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.*

*5. Suppliers of water:*

*(a) Who are required to adopt a plan of water conservation pursuant to this section; and*

*(b) Whose service areas are located in a common geographical area,*

*may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and section 3 of this act.*

*6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:*

*(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;*

*(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and*

*(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.*

Sec. 3. *1. A plan or joint plan of water conservation submitted to the division for review must include provisions relating to:*

*(a) Methods of public education to:*

*(1) Increase public awareness of the limited supply of water in this state and the need to conserve water.*

*(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.*

*(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.*

*(c) The management of water to:*

*(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and*

*(2) Increase the reuse of effluent.*

*(d) A contingency plan for drought conditions that ensures a supply of potable water.*

*(e) A schedule for carrying out the plan.*

*(f) Measures to evaluate the effectiveness of the plan.*

*2. A plan or joint plan submitted for review must be accompanied by an analysis of the feasibility of charging variable rates for the use of water to encourage the conservation of water.*

*3. The division shall review any plan or joint plan submitted to it within 30 days after its submission and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.*

*4. The administrator may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.*

Sec. 4. *1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall adopt a plan to provide incentives:*

*(a) To encourage water conservation in its service area;*

*(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and*

*(c) For the installation of landscaping that uses a minimal amount of water.*

*The supplier of water may request assistance from the division to develop the plan.*

*2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person to submit written views and recommendations on the plan.*

*3. The supplier of water shall file a copy of the plan with the division for informational purposes.*

*4. The plan:*

*(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water; and*

*(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public.*

*5. Suppliers of water:*

*(a) Who are required to adopt a plan for incentives pursuant to this section; and*

*(b) Whose service areas are located in a common geographical area, may adopt joint plans.*''.

Amend sec. 5, page 3, line 34, by deleting "and 7" and inserting: ", 7 and 7.5".

Amend sec. 6, page 4, by deleting line 5 and inserting:

*"4. The plan must be submitted to the commission on or before July 1, 1992. The commission shall review the plan for compliance with this section within 30 days after its submission. The plan must be approved by the commission before it is put into effect."*.

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. Each public utility which furnishes, for compensation, any water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan to provide incentives:*

*(a) To encourage water conservation in its service area;*

*(b) To retrofit existing structures with plumbing fixtures designed to conserve the use of water; and*

*(c) For the installation of landscaping that uses a minimal amount of water.*

*2. As part of the procedure of adopting a plan, the public utility shall provide an opportunity for any interested person to submit written views and recommendations on the plan.*

*3. The plan:*

*(a) Must be available for inspection by members of the public during office hours at the office of the public utility; and*

*(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be filed with the commission and made available for inspection by members of the public within 30 days after its adoption.*

*4. The commission shall review the plan for compliance with this section within 30 days after its submission. The plan must be approved by the commission before it is put into effect."*.

Amend the bill as whole by deleting sec. 9 and renumbering sec. 10 as sec. 9.

Amend the bill as a whole by deleting sections 11 and 12 and the text of the repealed sections.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "for the generation of power; directing the adoptions of plans to provide incentives for the use of certain equipment and xeriscape; and providing other matters properly".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 505.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 7.

Resolution read second time and ordered to third reading.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 226, 463.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 17:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 226.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 404.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 463.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 343; Senate Bills Nos. 31, 250, 322, 453, 454; Assembly Concurrent Resolution No. 75.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Edward Anderson, Sr.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Rhonda Sanders.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Laird Sanders.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Ahern and Mrs. Ellie Ahern.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Ruff.

Assemblyman Porter moved that the Assembly adjourn until Saturday, May 18, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 1:34 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), May 18, 1991

Assembly called to order at 8:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Wendell Williams, who was excused.

Prayer by the Chaplain, The Reverend Al Tilstra.

In the early hours of this day we must come to You for wisdom and strength. We have asked for Your guidance in difficult decisions, yet it has not always come when we thought it should. Many of the situations and relationships for which we have asked Your intervention have remained the same. Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas or that there is nothing You can do. Remind us, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power. May we do the same with ourselves, that You may continue to work through us to do Your will. This we ask in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back without recommendation.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 667, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 37.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Shaffer, O'Connell and Townsend as a first Committee on Conference concerning Senate Bill No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 40.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:13 a.m.

## ASSEMBLY IN SESSION

At 8:23 a.m.

Mr. Speaker presiding.

Quorum present.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 34.

Bill read third time.

Assemblyman Scherer moved that Assembly Bill No. 34 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

Assembly Bill No. 130.

Bill read third time.

Remarks by Assemblymen Garner, Spriggs, Stout, Giunchigliani, Bergevin, McGaughey and Pettyjohn.

Assemblyman Spriggs requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I want to be on record as not being against collective bargaining for employees, but I can't support this bill because it has only one organization in it. I felt like we should have passed the bill that would have allowed the Highway Patrol and other Peace Officers to have their own bargaining unit. Thank you.

Roll call on Assembly Bill No. 130:

YEAS—31.

NAYS—Bayley, Carpenter, Hardy, Lambert, Little, McGinness, Pettyjohn, Scherer, Spriggs, Stout—10.

Absent—Wendell Williams.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:31 a.m.

## ASSEMBLY IN SESSION

At 8:32 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblymen Arberry and Freeman.

Roll call on Assembly Bill No. 299:

YEAS—37.

NAYS—Carpenter, Pettyjohn, Wong—3.

Absent—Wendell Williams, Mr. Speaker—2.

Assembly Bill No. 299 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter requested that the record reflect Assemblyman Dini excused for the remainder of the day.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 428:

YEAS—39.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Not voting—Scherer.

Assembly Bill No. 428 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 469:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Assembly Bill No. 469 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 563:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Assembly Bill No. 563 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 578:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Assembly Bill No. 578 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 98:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Senate Bill No. 98 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 505:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Senate Bill No. 505 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Joint Resolution No. 7:

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

Senate Joint Resolution No. 7 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 130, 299, 428, 469, 563, 578; Senate Bills Nos. 98, 505 and Senate Joint Resolution No. 7 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Price moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2189), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Price.

Roll call on Assemblyman Price's motion.

YEAS—39.

NAYS—None.

Absent—Norton, Wendell Williams, Mr. Speaker—3.

The motion having received a constitutional majority, Madam Speaker pro Tempore declared it carried.

Assemblyman Price moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2190), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Price.

Roll call on Assemblyman Price's motion.

YEAS—40.

NAYS—None.

Absent—Wendell Williams, Mr. Speaker—2.

The motion having received a constitutional majority, Madam Speaker pro Tempore declared it carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 754—An Act relating to industrial insurance; clarifying that unrealized investment gains and losses must not be considered by the state industrial insurance system in determining whether to declare and distribute dividends to employers; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 755—An Act relating to employment practices; expanding the provisions governing the rights of an employee to inspect his record of employment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 351 and 667 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:54 a.m.

## ASSEMBLY IN SESSION

At 9:05 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 709.

Amend the bill as a whole by deleting sections 1 through 6 and inserting:

"Secs. 1-6. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 8 through 10 and inserting:

"Secs. 8-10. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"An Act relating to hazardous waste; requiring the state environmental commission to adopt regulations regarding the availability of certain information to comply with certain federal requirements; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires adoption of regulations by state environmental commission regarding availability of certain information. (BDR 40-584)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 667.

Bill read second time.

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

Amendment No. 733.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "*because he engages in the lawful use of any product outside the premises of the employer during his nonworking hours, if that use does not adversely affect his ability to perform his job or the safety of other employees.*".

Amend the title of the bill, second line, by deleting "a lawful" and inserting "certain lawful".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Select Committee on Corrections, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Select Committee on Corrections, to which was re-referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT M. SADER, *Chairman*

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

Assembly in recess at 9:10 a.m.

## ASSEMBLY IN SESSION

At 9:22 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 327, 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 293, 510.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 13.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 13:

Assemblyman Porter moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 327, 346 and 498 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Johnson, Petrak, Anderson, Scherer and Norton:

Assembly Bill No. 756—An Act relating to statutory liens; establishing additional requirements for notice relating to liens on mobile homes or manufactured homes; authorizing and establishing the procedure for contesting a lien on a mobile home or manufactured home in a justice's court; expanding the jurisdiction of justices' courts; and providing other matters properly relating thereto.

Assemblyman Johnson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 293.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 510.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 757—An Act relating to administrative law; allowing discovery in certain administrative proceedings; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 736.

Amend section 5, page 2, by deleting lines 20 through 23 and inserting:

"2. *In developing the plan, the administrator shall consider a system of essential and effective services, using primary health care services, the exchange of information and referrals, as appropriate, for all mothers and children in Nevada.*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 737.

Amend section 2, page 1, line 17, by deleting "*15*" and inserting "*10*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time, ordered engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 505, 525; Senate Bill No. 21; Senate Joint Resolution No. 24.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Master Trevor Burnham.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 20, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 9:31 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 20, 1991

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend A. L. Keen.

Our God, our Father, Creator of all things, we praise Thee this day for allowing us to assemble for the purpose of doing that which will be for the good of all. May this great Assembly do that which is according to Thy will in word and deed. We ask these favors in Christ's name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 252, 634, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 650, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 110, 236, 291, 367, 388, 464, 477, 524, 549, 654.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 112, 165, 228, 280, 309, 370, 422, 522, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

COMMUNICATIONS

THE WHITE HOUSE
WASHINGTON, D.C.

May 10, 1991

MEMBERS OF THE NEVADA STATE LEGISLATURE, Capitol Complex, Carson City, Nevada 89710

DEAR FRIENDS:

Thank you for your message and thank you for caring. I am feeling fine and am delighted to be back at work.

You were thoughtful to express your concern, and I'm grateful. Best wishes.

*Sincerely,*

GEORGE BUSH
*President*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 77—Commending the producers, directors and dancers of the Mountain Men Ballet.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 78—Urging users of newsprint to use recycled materials.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 79—Directing the Legislative Commission to conduct an interim study of the laws relating to emergencies involving hazardous materials.

Assemblyman Garner moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 636, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 484; Senate Bills Nos. 308, 355, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Norton, Johnson, Anderson, Petrak, Krenzer, Bache, Spitler, Bennett, Wong, Giunchigliani, Haller, Myrna Williams, Wendell Williams and Dini:

Assembly Bill No. 758—An Act relating to health insurance; requiring that policies of health insurance include coverage for certain emergency medical treatment; requiring the commissioner of insurance to adopt regulations relating to the disclosure of coverage for emergency medical treatment; and providing other matters properly relating thereto.

Assemblyman Norton moved that the bill be referred to the Committee on Commerce.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 223.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 754.

Amend sec. 5, page 3, line 45, by deleting "*IV*" and inserting "*D*".

Amend sec. 6, page 4, line 28, by deleting "*V*" and inserting "*E*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 305:

YEAS—36.

NAYS—Gregory, Hardy, Little, Pettyjohn, Stout, Wong—6.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 385:

YEAS—42.

NAYS—None.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 498:

YEAS—37.

NAYS—Gregory, Hardy, Scherer, Stout, Wong—5.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 509.

Bill read third time.

Remarks by Assemblyman Wong.

Roll call on Assembly Bill No. 509:

YEAS—42.

NAYS—None.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Assembly Bill No. 562:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 564.

Bill read third time.

Remarks by Assemblymen Anderson, Carpenter, Bayley, Scherer, Gibbons, Pettyjohn, Porter, Stout and Sader.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. To you and to this honorable body, Assembly Bill 564 allows the court to defer action on a plea agreement between a defendant and the district attorney that recommends a punishment, until the court has reviewed the presenter's report. If the court accepts the parties' recommendations, it must impose a specific punishment or a lesser punishment. If the court rejects the recommendation, the defendant may withdraw the plea. In addition, in Sections 2 and 3 of this bill, within seven days after the jury returns the verdict of guilty, the court may set aside the verdict and enter a judgment of acquittal. If the evidence is insufficient to sustain a conviction, procedures regarding a new trial and appeal of such judgment of acquittal are prescribed.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in opposition to A.B. 564. A.B. 564 provides that the court may, after juries return the guilty verdict, set aside this verdict. I really think this is wrong. I realize the acquittal must be on the basis of insufficient evidence but I think this should have been taken care of during the trial when we have the defense lawyers and the prosecution there. I think this is what the trial is about, whether there is sufficient evidence or not. Also, during the trial, the judge can tell the jury that he doesn't think there is sufficient evidence and the jury can either disregard what he says or not. I really think that when we give this power to one district judge, that it's going too far. Right now, you can take that to the Supreme Court where you have five judges to make that decision. One judge to do it, I don't think is right. I think the jury system is really what this country is built upon. Our peers either say we are guilty or not guilty and to dilute their power, I really have a problem with that. Another situation is that the Supreme Court can't review the District Judge's verdict. I think that is even going further than it should, but I am really against taking the power away from the juries. Thank you, Mr. Speaker.

ASSEMBLYMAN BAYLEY:

Thank you, Mr. Speaker. To you and through you to this body, I, too, rise in opposition to this bill. Our constituents tend to view our judicial system as sometimes being at a disadvantage to the technicalities in the law, and sometimes justice and truth suffers. They view this because it actually works out that way a lot of the time. During testimony of one of the proponents of this bill, one thing was said that stuck in my mind that I will never forget. He said, as you all know, talking to us in Judiciary, "A trial is not about truth or justice," and he used these words. He said, "The prosecution is there to convict, the defense is there to defend, and the judge is there to judge the law, and there is no one there for truth or justice." Right away, in my mind, I thought there is someone there for truth and justice and that's the jury. That's what they're concerned about and they are the ones who aren't there, whose rights are being taken away, and they are the ones that we represent. I understand that there is a difference between judging the law and judging the facts in a case. I believe in the law. I believe in the technicalities in the law and that there is a properness in their place in the law and that they are valid and that we need them. But at the same time I believe the jury is the balance to that. The jury is the balance to the whole system. I don't think it is right that after a jury gives their time, their wisest thoughts, their concentration, everything they are capable of giving, that we come back to them and say, "I am sorry, your verdict was not wise enough. You did not reach the right decision," and overturn it. I don't think it is the right thing to do to the people we represent. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. To you and through you, we have had considerable discussion in the last few minutes over whether or not the judge's decision in entering a judgment of acquittal could be appealed to the Supreme Court and whether the Supreme Court could review that decision. We have decided in some discussions that, in fact, the bill does provide for the judge's decision to be appealed to the Supreme Court, for the Supreme Court to review that decision and, therefore, I do support this bill. I think it contains some

very positive things for our system. I believe it is important to have a check. Currently, already, the judge can grant a new trial. If there has been any problem in the trial and the jury's decision can already be thrown out either by the judge by granting a new trial or by the Supreme Court in finding there is insufficient evidence. This is merely a change in the procedure and not really a change in the law.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of this bill and, of course, this bill deals with an area of law which is traditionally, in the past and will continue to be, the domain of the judges, and that is one of appeal based on the issue of law, not the weight of the evidence which is the question of fact for the tryer of fact in that case which would be the jury. There are two different concepts—a question of law versus a question of fact—and this deals with the sufficiency of the evidence, not the weight of it and we must keep that in mind. It permits a first level of appeal at the trial court level where the information, the witnesses and everything else is at its freshest state and has not lost any of its impact. As we have already said under Federal Rule 29C, we do have an appellate process. This merely parrots back the appeal process provided for in federal law and we are simply giving a first level of appeal to the trial court level.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in opposition to this bill on the basis that I think it undermines the very fundamental concept of our court system. The federal constitution and the state constitutions have judged that the accused will be judged by a jury of his peers and I think that word "judged" is very applicable and operative in this case that they say they will render the judgment. I think this undermines the entire concept of the judicial system of having the court system run by the courts and the judges but have a jury to make the decision about the sufficiency and the applicability of the evidence and then render a decision. Thank you, very much.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in strong support of Assembly Bill 564. It's apparent from some of the comments on the floor this morning, this bill is greatly misunderstood. This is not invading the constitutionally-guaranteed right to jury trial. This is simply saving one step in an appellate process which is overly costly and time consuming and perhaps where an innocent man may end up spending time in prison until an appellate court has ruled.

Mr. Speaker, as my distinguished colleague from District 23 has already told the body, this is language from the Federal Rule of Criminal Procedure 29C. The courts of the Unites States of America have this; the courts of the State of Nevada, do not.

Mr. Speaker, in order to explain exactly what is taking place here, it will be necessary for me to outline a little civics lesson on what happens in a court room. Mr. Speaker, when an individual is accused of a crime and tried, the first thing that happens in a trial, is you end up selecting a jury. Both sides get several challenges to those jurors and after that is exercised, a jury is then impanelled to sit in judgment of the guilt or innocence of the accused. Opening statements are made, witnesses testify. The jury listens to those witnesses, gleans from those witnesses the facts of the case. Now at the close of that evidence, the judge will instruct the jury in the law. Counsel will go back into the court's chambers and they will sit down and they will argue over which jury instructions should or should not be given to this jury for this particular crime. Let me explain what this bill does, and let's take a simple crime like common law burglary. In order to commit common law burglary, it requires the breaking and entering of the dwelling house of another in the nighttime with the intent to steal or commit a felony therein. Let's also assume that the state proved every element of the crime except the fact that it occurred at 12 noon instead of at nighttime. If the judge instructed the jury as to the elements of common law burglary, and one of those elements required a nighttime break-in, then if the jury returned a conviction based upon the facts that it occurred in the day time, this man could not, by definition, have been guilty of that crime. Under those facts, if the jury returned the verdict of guilty, an appellate court would have no choice but to overturn that conviction. That's the scenario that this bill addresses. If a jury convicted under that

situation, the court under Rule 29C would be allowed to say there was no evidence produced at this trial to show that this particular break-in occurred in the nighttime and the court would direct a judgment of acquittal.

My distinguished colleague from District 2 has already addressed the appellate procedures. It will not be necessary to go through those again. Mr. Speaker, this is not an invasion on the province of the jury. This merely allows the court, when the elements of an offense have not been proven, to set aside a misuse by the jury of any appropriate jury instruction in the law and I urge its passage.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. Through you and to the rest of the members of this body, I would like to rise in opposition to this and just say one thing. We are talking about one judge making the decision versus five judges. I think it should be left the same way and we should join the 21 states who don't have it at this time. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I just have one quick comment on the thought of the previous speaker and that line of reasoning. While it is true that five judges in the Supreme Court would ultimately make the decision, in the meantime, that person is in jail and sitting there and waiting for the appeal to take place in about 90 percent of these proceedings.

Roll call on Assembly Bill No. 564:

YEAS—33.

NAYS—Bayley, Carpenter, Goetting, Little, Pettyjohn, Price, Spriggs, Stout, Wong—9.

Assembly Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 579.

Bill read third time.

Remarks by Assemblyman Goetting.

Roll call on Assembly Bill No. 579:

YEAS—40.

NAYS—Scherer, Wendell Williams—2.

Assembly Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 606:

YEAS—42.

NAYS—None.

Assembly Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 635.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 635:

YEAS—41.
NAYS—Little.

Assembly Bill No. 635 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 694.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 694:

YEAS—42.
NAYS—None.

Assembly Bill No. 694 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 566 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 699.

Bill read third time.

Remarks by Assemblyman Little.

Roll call on Assembly Bill No. 699:

YEAS—42.
NAYS—None.

Assembly Bill No. 699 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 701.

Bill read third time.

Remarks by Assemblymen Garner, Price and Bergevin.

Roll call on Assembly Bill No. 701:

YEAS—34.
NAYS—Carpenter, Evans, Little, Pettyjohn, Price—5.
Not voting—Anderson, Arberry, Wendell Williams—3.

Assembly Bill No. 701 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 68, 230 and 360 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblymen Sader, Spriggs, Kerns, Price, Myrna Williams and Goetting.

Assemblymen Porter, Garner and Evans moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 566.

Roll call on Assembly Bill No. 566:

YEAS—33.

NAYS—Carpenter, Goetting, Heller, Johnson, Kerns, Marvel, Pettyjohn, Spriggs, Wong—9.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 395, 511, 716, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 252, 395, 484, 511, 634, 636, 650, 716; Senate Bills Nos. 308 and 355 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 256, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | WILLIAM R. O'DONNELL |
| GENE T. PORTER | RONALD V. COOK |
| JAMES A. GIBBONS | R. HAL SMITH |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 5

Amend sec. 185, page 40, line 36, after "1," by inserting "3,".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 256.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Scherer.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 538.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Concurrent Resolution No. 80—Urging the Governor to establish the goal of mandatory kindergarten throughout Nevada by 1993.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 759—An Act relating to the board of medical examiners; authorizing the board to adopt certain requirements for the continuing education of physicians and physician's assistants; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 760—An Act relating to public employees' retirement; allowing earlier retirement and decreases the reduction of benefits for the early retirement of police officers and firemen; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 761—An Act relating to education; requiring the board of trustees of a school district to allow a parent to enroll his child in any public school within the district; requiring a school district to submit a report concerning such enrollments to the department of education; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 252.

Bill read second time.

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

Amendment No. 699.

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

"Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise specifically provided by statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list and description of the items to be voted on during the meeting which must be clearly denoted as items on which action will be taken.

*(3) A period devoted to comments by the general public, if any, and discussion of and deliberation upon those comments. No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken pursuant to subparagraph (2).*

3. Minimum public notice is:

(a) A copy of the notice posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the public body; and

(b) Mailing a copy of the notice to any person who has requested notice of the meetings of the body in the same manner in which notice is required to be mailed to a member of the body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with or notation upon the first notice sent.

4. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.".

Amend the title of the bill to read as follows:

"An Act relating to meetings of public bodies; requiring an agenda for such a meeting to include a period for comments from the general public; allowing discussion and deliberation of those comments; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for discussion and deliberation of comments made by member of general public at meeting of public body. (BDR 19-129)".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 707.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to..... (name of person), the judgment creditor. He has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.

2. Payments for benefits or the return of contributions under the public employees' retirement system.

3. Payments for public assistance granted through the welfare division of the department of human resources.

4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as unemployment compensation.
7. Veteran's benefits.
8. A homestead in a dwelling or a mobile home, not to exceed $95,000, unless the judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
9. A vehicle, if your equity in the vehicle is less than $1,000.
10. Seventy-five percent of the take home pay for any pay period, unless the weekly take home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.
*11. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.*
*12. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.*

These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through.....(name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.''.

Amend section 1, page 2, by deleting lines 40 through 42.

Amend the bill as a whole by adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION YOUR PROPERTY IS BEING ATTACHED OR YOUR WAGES ARE BEING GARNISHED

Plaintiff,.....(name of person,) alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.
2. Payments for benefits or the return of contributions under the public employees' retirement system.
3. Payments for public assistance granted through the welfare division of the department of human resources.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as unemployment compensation.
7. Veteran's benefits.
8. A homestead in a dwelling or a mobile home, not to exceed $95,000, unless the judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
9. A vehicle, if your equity in the vehicle is less than $1,000.
10. Seventy-five percent of the take home pay for any pay period, unless the weekly take home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.
*11. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.*
*12. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.*

These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure

on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through .....(name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.".

Amend the title of the bill, first line, after "execution;" by inserting: "revising certain related notices;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 634.

Bill read second time.

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

Amendment No. 734.

Amend section 1, page 2, by deleting lines 1 through 3.

Amend section 1, page 2, line 4, by deleting "*7. A*" and inserting: "*6. Except as otherwise provided in this subsection, a*".

Amend section 1, page 2, line 9, after the period by inserting: "*Before applying for a copyright pursuant to the provisions of this subsection, an agency that was receiving financial assistance from the Federal Government at the time the software program or related materials were developed shall determine that the federal law and regulations governing the financial assistance do not prohibit the copyright.*".

Amend section 1, page 2, line 10, by deleting "*8.*" and inserting "*7.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. The division of archives and records of the state library and archives is hereby directed to conduct a study of the laws of this state relating to public records and information.

2. The study must include but is not limited to:

(a) An examination of the impact of technology on the creation, preservation and dissemination of public records and information;

(b) An analysis of the need to modernize the laws relating to public records and information; and

(c) An evaluation of the feasibility of and cost to develop and carry out a program for the creation, preservation and dissemination of public records and information in this state.

3. The division shall, not later than January 18, 1993, submit a report of the study and any recommended legislation to the director of the legislative counsel bureau for presentation to the 67th session of the legislature.".

Amend the title of the bill by deleting the second line and inserting: "general public by computer and related systems; directing the division of archives and records of the state library and archives to conduct a study of the laws in this state relating to public records and information; and providing other".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to public records and directs division of archives and records of state library and archives to conduct study of laws relating to public records and information. (BDR 19-800)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert, Porter and Garner.

Assemblyman Porter moved that Assembly Bill No. 634 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 636.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 655.

Amend the bill as a whole by adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, an insurer shall approve or deny a claim relating to a policy of group health insurance or blanket insurance within 30 days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the insurer shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The insurer shall notify the provider of health care of the reason for the delay in approving or denying the claim. The insurer shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.*

Sec. 3. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, an insurer shall approve or deny a claim relating to a contract of casualty insurance within 30 days after the insurer receives the claim. If the claim is approved, the insurer shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the insurer shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the insurer requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The insurer shall notify the policyholder of the reason for the delay in approving or denying the claim. The insurer shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the insurer shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the insurer shall pay interest on the claim in the manner prescribed in subsection 1.*

Sec. 4. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a fraternal benefit society shall approve or deny a claim relating to a certificate of health insurance within 30 days after the fraternal benefit society receives the claim. If the claim is approved, the fraternal benefit society shall pay the*

*claim within 30 days after it is approved. If the approved claim is not paid within that period, the fraternal benefit society shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the fraternal benefit society requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The fraternal benefit society shall notify the provider of health care of the reason for the delay in approving or denying the claim. The fraternal benefit society shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the fraternal benefit society shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the fraternal benefit society shall pay interest on the claim in the manner prescribed in subsection 1.*

Sec. 5. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a corporation subject to the provisions of this chapter shall approve or deny a claim relating to a contract for dental, hospital or medical services within 30 days after the corporation receives the claim. If the claim is approved, the corporation shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the corporation shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the corporation requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The corporation shall notify the provider of dental, hospital or medical services of the reason for the delay in approving or denying the claim. The corporation shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the corporation shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the corporation shall pay interest on the claim in the manner prescribed in subsection 1.*

Sec. 6. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a health maintenance organization shall approve or deny a claim relating to a health care plan within 30 days after the health maintenance organization receives the claim. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the health maintenance organization requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The health maintenance organization shall notify the provider of health care services of the reason for the delay in approving or denying the claim. The health maintenance organization shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the health maintenance organization shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the health maintenance organization shall pay interest on the claim in the manner prescribed in subsection 1.*

Sec. 7. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, an organization for dental care shall approve or deny a claim relating to a plan for dental care within 30 days after the organization for dental care receives the claim. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the organization for dental care shall pay interest on the claim at the rate of interest established pursuant to NRS 99.040. The interest must be calculated from the date the payment is due until the claim is paid.*

*2. If the organization for dental care requires additional information to determine whether to approve or deny the claim, it shall notify the claimant of its request for the additional information within 20 days after it receives the claim. The organization for dental care shall notify the provider of dental care of the reason for the delay in approving or denying the claim. The organization for dental care shall approve or deny the claim within 30 days after receiving the additional information. If the claim is approved, the organization for dental care shall pay the claim within 30 days after it receives the additional information. If the approved claim is not paid within that period, the organization for dental care shall pay interest on the claim in the manner prescribed in subsection 1.*".

Amend the title of the bill to read as follows:

"An Act relating to insurance; requiring certain insurers, fraternal benefit societies, corporations for medical, hospital or dental service, health maintenance organizations and organizations for dental care to approve or deny a claim relating to certain policies, contracts or plans of insurance within a certain period; requiring those insurers to pay such a claim within a certain period after the claim is approved; requiring those insurers to pay interest on that claim if the insurer fails to pay the claim within that period; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions concerning payment of claims relating to certain policies, contracts and plans of insurance. (BDR 57-1690)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 650.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 716.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 654.

Amend section 1, page 2, lines 14 and 15, by deleting "[$1,000.] *$2,000.*" and inserting "$1,000.".

Amend section 1, page 2, by deleting lines 19 and 20 and inserting:

"*11. Money, not to exceed $100,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).*".

Amend sec. 2, page 3, lines 21 and 22, by deleting "[$1,000] *$2,000*" and inserting "$1,000".

Amend sec. 2, page 4, by deleting lines 18 through 24 and inserting:

"*(o) Money, not to exceed $100,000 in present value, held in:*

*(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;*

*(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of 26 U.S.C. § 408;*

*(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code; and*

*(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).*".

Amend sec. 3, page 5, lines 26 and 27, by deleting "[$1,000.] *$2,000.*" and inserting "$1,000.".

Amend sec. 3, page 5, by deleting lines 31 and 32 and inserting:

"*11. Money, not to exceed $100,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).*".

Amend the title of the bill first line, by deleting: "additional equity in vehicles and".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 355.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 750.

Amend section 1, page 1, by deleting line 19 and inserting: "trust.] , *without consideration:*

*(a) By a natural person to a trust for the benefit of the transferor, his spouse or child.*

*(b) From a trust to the trustor, his spouse or child or another trust established for their benefit.*".

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

"An Act relating to taxation; extending the exemption from the real property transfer tax to certain transfers of title to or from a trust under certain circumstances; and".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 538.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 654; Senate Bills Nos. 40, 98, 161, 505; Assembly Concurrent Resolution No. 37; Senate Joint Resolution No. 7.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Warren and Mrs. Louise Warren.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Ross.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sherry Porter.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 21, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:51 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-FIRST DAY

CARSON CITY (Tuesday), May 21, 1991

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Gary Cage.

Almighty God, we know that in the face of Your power we are so very fragile. We recognize that in comparison to Your wisdom, we have no wisdom. You have given us jobs to do in this world so we humbly request Your guidance so that we might promote what is best in the lives of others. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 633, 722, 732; Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 686, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 687, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 542.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 256.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Callister, Marvel, Arberry, McGinness, Goetting, Giunchigliani, Heller, Myrna Williams, Humke, Stout, Price and Pettyjohn:

Assembly Bill No. 762—An Act relating to the legislature; providing in skeleton form for the creation of the legislative budget committee and legislative budget office within the legislative counsel bureau; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 763—An Act relating to retarded persons; transferring the financial responsibility for the support, education and care of mentally retarded children from the counties to the mental hygiene and mental retardation division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Health and Welfare:

Assembly Bill No. 764—An Act relating to hospitals; imposing a tax on the net revenue of certain larger hospitals; providing penalties; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Taxation.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 278.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 710.

Amend sec. 3, page 2, line 2, by deleting "*159*" and inserting "*159, 425*".

Amend sec. 8, page 3, by deleting lines 5 through 38 and inserting: "sum claimed, exclusive of interest, does not exceed $5,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $5,000.

(c) Except as otherwise provided in paragraph (1) in actions for a fine, penalty or forfeiture not exceeding $5,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $5,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $5,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $5,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $5,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $5,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $5,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) [To issue] *Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of* a temporary or extended order for protection against domestic violence.

(n) In small claims actions under the provisions of chapter 73 of NRS.".

Amend sec. 34, page 15, between lines 11 and 12 by inserting:

"3. The district court of each judicial district in which a family court is not created by the provisions of this act shall report to the 67th session of the legislature concerning whether the court desires to have a family court created in the district. The report may include recommendations for modification of the provisions of this act to accommodate the creation of a family court in such districts.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 327.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 327:
YEAS—42.
NAYS—None.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 346.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 346:
YEAS—42.
NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 351.
Bill read third time.
Remarks by Assemblyman Johnson.
Roll call on Assembly Bill No. 351:
YEAS—42.
NAYS—None.

Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 395.
Bill read third time.
Remarks by Assemblyman Pettyjohn.
Conflicts of interest declared by Assemblymen Gibbons and Price.
Roll call on Assembly Bill No. 395:
YEAS—40.
NAYS—None.
Not voting—Gibbons, Price—2.

Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 511.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 511:
YEAS—42.
NAYS—None.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 650.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 650:

YEAS—42.

NAYS—None.

Assembly Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 667.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Gibbons, Pettyjohn, Elliott and Scherer.

Roll call on Assembly Bill No. 667:

YEAS—30.

NAYS—Bayley, Bergevin, Carpenter, Gregory, Hardy, Humke, Johnson, Kerns, Lambert, McGinness, Pettyjohn, Mr. Speaker—12.

Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 716.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 716:

YEAS—42.

NAYS—None.

Assembly Bill No. 716 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 327, 346, 351, 395, 511, 650, 667 and 716 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Sader moved that Senate Bill No. 68 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblymen Sader, Wendell Williams, Scherer, Evans and Anderson.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SADER:

Mr. Speaker, Senate Bill No. 230 is the much-celebrated criminal gang bill. It enhances the penalty for persons who commit felonies knowing that such crimes are for the benefit of, at the direction of, or in affiliation with a criminal gang. The penalty is enhanced by doubling the sentence of the underlying felony, and the enhancement is mandatory.

Senate Bill No. 230 was requested by the Las Vegas Metropolitan Police Department and was supported by the district attorney's office—this is the Governor's gang bill. The major issues with the bill discussed in committee deal with first amendment problems. The first amendment allows free association and affiliation with groups; therefore, the issue of satisfying first amendment muster in a bill like this which attempts to criminalize conduct because of association, is difficult. The Judiciary Committee in the Assembly struggled with this issue at some length and commends to you the bill as it now is stated. You will find on page 2 the definition of a criminal gang. That definition is derived partially from the RICO statutes and partially from the case law on the subject analyzing the components necessary to be able to show the type of street gang that is intended to be proscribed in the bill. That exists on lines 29 through 37 of the bill.

The bill, of course, is meant to squarely confront the issue of gang problems, particularly in southern Nevada, an issue of growing public concern, and to do so directly by actually making it criminal, or enhanced criminal conduct for affiliation with such a gang. Thank you.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to this bill, not in opposition of the intent of law enforcement to address the gang problem. But as long as we continue to ignore the causes and only address the symptoms, we'll continue to pass incriminating and discriminating laws that will only escalate the problem, and this is one. This bill will actually do nothing in the war against gangs as long as we continue to have a low-income housing fund with no funds in it. It will do nothing as long as we continue to expect a family of five to live on $450 a month. It will do nothing as long as we expect our children to come to school hungry from the night before. This bill will do nothing as long as we disallow men to live with their families based on the stipulation that women would not receive services for their children, including prenatal care. This bill will do nothing unless we begin to address one of the highest unemployment rates among teenagers in the nation. This bill will do nothing as long as we have services by law enforcement in some communities and only enforcement in others. This bill will do nothing as long as we ignore the need, and I must say the vast need, for affordable child care as well as child support enforcement. In passing this bill, this body better be ready to tell taxpayers to spend a lot more money to build more juvenile facilities, not to house gang members, but to house all those kids who are caught in a gigantic net that is designed to catch elephants trying to catch a few snakes. It's a shotgun approach, it's the wrong approach. It's a reaction, feel-good bill that should be based on proaction activities. It's a bad bill, I'll be voting against it.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in support of S.B. No. 230. Your committee on Judiciary worked long and hard to tailor this bill very carefully, very narrowly to meet the constitutional concerns and to make sure the net was not too wide. We had comments from our friend from Elko who pointed out the original overbreadth of the bill, from my colleague to my left who pointed out other concerns with the bill in terms of its breadth, and we've tailored it very narrowly and it is now an excellent bill.

In Clark County these days and in Washoe County to a certain extent, we have a very serious and growing gang problem. We have got to address that situation at both ends. I commend my colleague from Clark County for his concerns about the other end and how we are going to stop people from getting involved in this kind of activity in the first place, but we also have to address those people who have already gotten involved in it. We've got to deal with them seriously before the problem gets out of hand. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I rise in support of the bill but with a great deal of consternation and some reluctance echoing the thoughts of my colleague from Clark County who is the Chairman of Education, because this is exactly what we have done in the Legislature consistently. We put the money at the tail end instead of into those front end programs that would forestall gang activity. I think until we come back here and we get serious about those front end programs, this is going to continue. It amazes me, utterly amazes me, how quickly this bill shot through the Legislature, one session, and yet time after time, we come back here on all of those solid programs that were just enumerated that need attention, that need funding and need support, and we deny them. But yet, this kind of back-end approach to a problem seems to get through very quickly. I think this whole thing is upside down.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of the bill. I think Mr. Williams, my colleague from Clark Assembly District 6, makes the most telling of all points and that is, because of neglect for a long, long time period of our responsibility for the youth of our state and our country, we have now brought ourselves to this terrible position. But we would be ignoring our responsibility, our ultimate responsibility to protect all of society without recognizing the growth, not just in Clark County, but also in Washoe County, of gangs and how they are detrimental to our society as a whole and to the youth that we are trying to reach. It is, indeed, amazing that in one fell swoop we can move through such a bill. However, it is a necessary piece of legislation and one that we must do. We need not turn our back, however, on those other elements that Mr. Williams has so eloquently outlined for all of us to keep in mind, but I do rise in support of this piece of legislation.

Roll call on Senate Bill No. 230:

YEAS—39.

NAYS—Arberry, Haller, Wendell Williams—3.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 360.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Senate Bill No. 360:

YEAS—40.

NAYS—Carpenter.

Not voting—Lambert.

Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which were referred Assembly Bills Nos. 466, 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 718, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 715, 737; Senate Bill No. 214; Assembly Joint Resolution No. 22; Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Select Committee on Corrections, to which was referred Assembly Bill No. 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Myrna Williams, Wong, Elliott, Little, Stout, Carpenter, Garner, Heller, Hardy, Norton, Scherer, Bayley, Haller, Spitler, Sader, Arberry, Bache, Giunchigliani, Callister, Johnson, Krenzer, Anderson, Bennett, Freeman, Petrak, Gibbons, Porter, McGinness, Pettyjohn, Spriggs, McGaughey, Bergevin, Goetting, Evans, Gregory, Kerns, Marvel, Humke, Lambert and Wendell Williams:

Assembly Concurrent Resolution No. 81—Commending former Assemblyman Paul W. May, Jr., for his extensive private and public service to Nevada.

WHEREAS, Former Assemblyman Paul W. May, Jr., served in the Nevada Assembly for a total of 20 years, ranking him fourth, to date, in years of Assembly service out of all members who have served in this august body; and

WHEREAS, Paul May ably served as the Speaker of the Assembly in 1979, all the while displaying his dry wit and jovial nature; and

WHEREAS, For several legislative sessions, beginning in 1979, Paul May was known as the "Dean of the Clark County Assembly Delegation"; and

WHEREAS, Recognized as an expert in matters of Nevada taxation, Paul May chaired the Assembly Standing Committee on Taxation during 6 of the 10 regular sessions he served; and

WHEREAS, After his resignation from the Assembly in 1984, Paul May served the residents of southern Nevada through his appointment to the Clark County Commission, and again, in 1985, when he was appointed to the North Las Vegas City Council; and

WHEREAS, Following this one-term hiatus, Paul May returned to the Assembly in 1987, forever earning a special place in the state's political history because of his sponsorship of legislation designed to obtain additional federal money for Nevada, for which he is affectionately referred to as the "Father of Bullfrog County"; and

WHEREAS, During his years of service as a Nevada Assemblyman and an appointed county and city public official, Paul May maintained his sense of humor and exhibited an extraordinary willingness to share his knowledge with less experienced members of the Assembly, regardless of their political affiliation; and

WHEREAS, Before being elected to public office, Paul May served in the United States Army from 1948 through 1951 and was a graduate of the United States Army Signal Cryptographic Training Center in Fort Gordon, Georgia; and

WHEREAS, For many years Paul May was the Nevada Sales Manager for Vegas Paint Company and also a successful real estate broker in Clark County; and

WHEREAS, Paul May's pride in his community has been expressed through his membership in numerous civic organizations, including the North Las Vegas Elks Lodge No. 2353, American Legion Post No. 51, F.&A.M. Lodge 44 and the Regina Hall Auxiliary; and

WHEREAS, Paul May's love for Nevada, its past, present and future has been expressed in many ways, most notably through his efforts to create the Nevada Gift and Endowment Fund into which persons may contribute money as a token of their appreciation for the benefits they have received as a resident or visitor to this state or to further the excellent quality of life which is unique to Nevada; and

WHEREAS, Paul May is an avid collector of Nevadania, and is a known authority on Nevada history, particularly some of its fascinating, lesser-known details; and

WHEREAS, Although a long-time resident of Nevada, Paul May was born in the scenic mountain community of Hot Springs, Virginia, in 1928, and all who have known him over the years agree that he is a bona fide "Virginia Gentleman"; and

WHEREAS, The members of the Nevada Legislature were saddened to learn of Paul's recent illness necessitating major surgery; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby commend Paul W. May, Jr., for his unselfish public service and his genuine affection for Nevada and all of its people and hereby wish him a speedy recovery and return to good health; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman Paul W. May, Jr.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Evans, Bergevin, Myrna Williams and Mr. Speaker.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Please do not be alarmed, someone just raised the question, had Paul passed on and that is not the case. As some of you may or may not know, Paul had a very serious operation earlier this week whereby he had two-thirds of his stomach removed because of the problem with cancer but, apparently, the operation went extremely well and he was back home yesterday. A few of us talked with him and I have to say, he sounded in extremely, extremely good condition and good spirits.

Let me go on to say, at one point in time, Paul May was my assemblyman in North Las Vegas, where I live. I have known Paul, I don't even know how many years now. He truly is what we normally think of as a Virginia gentleman. His humor and his steadiness in action, his ability to perform his duties in this body were unexcelled by any that I know.

I can only remember once, over the many years that we served together, of Paul losing his temper. There was a bill, I don't remember what it was, in the Taxation Committee, and a lobbyist, who normally was a very competent lobbyist, had gotten carried away and

decided that he was going to try and get enough votes on the floor of this house to pull the bill out over the Chairman's objection. I can assure you that didn't happen, but it certainly raised the temperature of our Chairman to degrees that I am sure he didn't reach even in the hospital.

Paul was also very crafty. I can remember back in the days, the year that he was Speaker, which I believe was 1979, and we were working for several weeks past midnight every night. We finally got down to the last day of the session and when we came to the midnight hour, Paul had the clock up on the wall draped so we would not receive another day's per diem. So in that particular year, in 1979, we worked on until the next day but the clock did in fact stop at 12:00 o'clock.

Paul is a fine father. He has a wonderful family. I've known the children since they were small and, of course, they are all adults with children of their own. They all have been the type of family you could be proud of and I think this is a very appropriate resolution. It says almost everything. Paul has many friends across this state and I am sorry truly that there are members among us here that did not have the opportunity to serve with Paul because he certainly set an example that we could all follow and be proud of.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I also rise in support of A.C.R. No. 81. My first encounter with Paul May was in the 1983 session. I was here as an advocate on something that had to do with the estate tax. It was a resolution that would have allowed Nevada to reclaim its portion of the estate tax. When I went to see Paul, he looked at me and said, "Young lady," of course I knew I was going to like him right away, at my age when somebody calls you young lady, you are very pleased. He said, "Young lady, don't you realize that just two months ago, the people of this state went to the polls and overwhelmingly defeated that very idea?" I said, "Well, I know, Mr. May, but we have a new wrinkle. This time we would like to dedicate the funds from the estate taxes that we can reclaim divided between K through 12 and higher education." Well time went on and on, and the resolution never came up for a hearing. I kept going back, and going back, and he just didn't schedule it for hearing. He was Chairman of Taxation. So finally I confronted him once again and he said, "Well, I have to tell you, I just don't like that idea." I said, "Well, I understand that but it is important and we'd like to try it one more time." So he said, "Okay, I don't think it is going to go anywhere but I will schedule it for a hearing and let my committee decide," which, I guess shows what a stand-up and even-handed person he was. So now, of course, the rest is history. The Committee heard the bill. It passed. It passed in the '83 session, '85 session, went on to be approved by voters and is currently state law. So whenever I hear the word "estate tax," and, of course, many benefits have accrued to the state, I will think of Paul May and joining with everyone else, I certainly wish Paul a speedy recovery because he is a fine person.

ASSEMBLYMAN BERGEVIN:

Thank you, Mr. Speaker. I would be remiss not to say something about my good friend, Paul. I served with him for the first time in the 1979 session, when I was first elected, and I have been on Taxation ever since then. I knew Mr. May long before that as I was a member of the Tax Commission.

Paul was a real stickler for protocol. I will recall—I have never forgotten it—he always started his meetings, "The specific time and the place having been duly noticed, having arrived, I hereby call this Taxation Committee Meeting to order." That was ritual every time that he called a meeting to order. I, like Mr. Price, never really saw Mr. May lose his cool, but I did in a hearing on mining taxes one time. He got rather upset about one particular person of a particularly large mining company in the State of Nevada and he appointed a committee solely of Clark County people which got me very upset. We finally came to good conclusion on that bill. Paul May is a gentleman, a southern gentleman of the highest order and I count him as one of my very best friends.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of A.C.R. No. 81. Like many of you, I have known Paul for many, many years, long before these halls. For those of us who came

on Taxation at the same time, as specified in the resolution, party was never on his mind. All that was ever on his mind was to do the right thing. I have to laugh when listening to my colleague from Douglas County talk about the one time Paul got mad and I think everybody knows, he appointed me to chair the subcommittee so he really was mad. He is a perfect gentleman. He is a generous person and he is a gentleman in the true sense of the word. We wish him well.

MR. SPEAKER:

I guess I probably served with Paul the longest. We started in 1967 in the old building where the Capitol is now. We became close friends then. At that time, North Las Vegas and Henderson were considered kind of the outcasts of Clark County and they became members of the rural delegation. At that time, we welcomed them into our delegation and we spent a lot of time together socially as well as working together for projects to help the State of Nevada. Paul was an outstanding legislator. We worked on a lot of good things that are history today and that are in our laws and that he was very dedicated to. I wish him well. He and his wife are both real fine people. We miss him up here and hope he comes up to visit us when he gets to feeling better.

Resolution adopted unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 706, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 317, 486.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 18, 20.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 466, 492, 496, 513, 633, 686, 687, 706, 715, 722, 732, 737; Assembly Joint Resolution No. 22; Senate Bills Nos. 214, 304, 439 and Senate Joint Resolution No. 2 be placed on the Second Reading File.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 718 be re-referred to the Committee on Ways and Means.

Motion carried.

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

Assembly in recess at 12:05 p.m.

## ASSEMBLY IN SESSION

At 12:19 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 18:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Joint Resolution No. 20:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 765—An Act relating to missing persons; allowing the administration of the estate of a missing person after an absence of 2 years; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 766—An Act relating to occupations; prohibiting the issuance of certain licenses without evidence of required industrial insurance coverage or the inapplicability of such coverage; directing each board and commission created pursuant to Title 54 of NRS to strengthen its enforcement of the provisions prohibiting unauthorized practice; prohibiting the issuance of a license or other authorization to engage in a profession or occupation to certain persons who have previously engaged in an unauthorized practice; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 767—An Act relating to the offenders' store fund; requiring the state controller to transfer the interest and income earned on money in the prisoners' personal property fund to the inmate welfare account in the offenders' store fund biannually; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 768—An Act relating to criminal offenders; provides for the treatment of certain offenders convicted of driving under the influence of alcohol or a controlled substance; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 317.

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

Motion carried.

Senate Bill No. 486.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 466.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 675.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. The board of trustees of a county school district, or its designee, shall inform each employee of the district, including teachers, other licensed employees, drivers of school buses, instructional aides and office managers, who may have consistent contact with a pupil if that pupil has, within the preceding 3 years, unlawfully caused or attempted to cause serious bodily injury to any person. The district shall provide this information based upon any written records that the district maintains or which it receives from a law enforcement agency. The district need not initiate a request for such information from any source.*

*2. A school district and the members of its board of trustees are not liable for failure strictly to comply with this section if a good faith effort to comply is made.*

*3. Any information received by an employee pursuant to this section is confidential and must not be further disseminated by the employee.*".

Amend the title of the bill, first line, by deleting "its teachers" and inserting: "certain of its employees".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 723.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "the dismissal of a licensed employee and he is of the opinion that the immediate".

Amend section 1, page 1, line 13, by deleting "[10] *2*" and inserting "[10] *5*".

Amend section 1, page 1, line 15, after "dismissal." by inserting: "*The employee is entitled to continue to receive his salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced.*".

Amend section 1, pages 1 and 2, by deleting lines 18 and 19 on page 1 and lines 1 and 2 on page 2 and inserting "391.312.".

Amend section 1, page 2, line 7, after "him" by inserting: "*pursuant to this subsection*".

Amend section 1, page 2, by deleting lines 8 and 9 and inserting: "*is entitled to* continue to receive his salary from the [time his suspension is effective] *date on which the dismissal proceedings are commenced* until the decision of the board or the report of the hearing officer, if".

Amend section 1, page 2, line 12, by deleting "section" and inserting "[section] *subsection*".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to educational personnel; making various".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 496.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections:

Amendment No. 618.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 and 5 as sections 1 and 2.

Amend sec. 4, page 2, line 14, after the period by inserting: "*The board may authorize the release of a prisoner on parole whether or not parole is accepted by the prisoner.*".

Amend the title of the bill to read as follows:

"An Act relating to parole; authorizing the state board of parole commissioners to release a prisoner on parole regardless of whether the prisoner accepts parole; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Allows release of prisoner on parole regardless of whether prisoner accepts parole. (BDR 16-2040)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 513.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 694.

Amend section 1, page 1, by deleting line 8 and inserting:

"*2. The driver of a motor vehicle shall yield the right of way to any person riding a bicycle on the pathway or lane. The driver of a motor vehicle shall not stop, stand, park or drive within*".

Amend section 1, page 1, by deleting lines 17 and 18 and inserting:

"*3. The operator of a bicycle shall not:*

*(a) Intentionally interfere with the movement of a motor vehicle; or*

*(b) Overtake and pass a motor vehicle unless he can do so safely without endangering himself or the occupants of the motor vehicle.*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 513 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 633.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 686.

Bill read second time.

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

Amendment No. 730.

Amend sec. 3, page 1, line 8, by deleting "*24*" and inserting "*30*".

Amend sec. 4, page 1, line 11, by deleting "*provides*".

Amend sec. 4, page 1, by deleting lines 12 and 13 and inserting: "*receives notifications pursuant to subsection 1 of NRS 455.110 and transmits such notifications to its members.*".

Amend sec. 19, page 4, by deleting line 6 and inserting: "*complaint by the attorney general, an employee of the public service commission of Nevada who is engaged in regulatory operations,*".

Amend sec. 19, page 4, by deleting line 13.

Amend sec. 19, page 4, line 14, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 19, page 4, line 15, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 19, page 4, line 19, by deleting "*(d)*" and inserting "*(c)*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. *1. An association for operators who receives notification pursuant to NRS 455.110 by telephone and an operator who receives notification of a proposed excavation or demolition by telephone shall keep a written record of the notification for 6 years. The record must include, but is not limited to, the following information:*

*(a) The name of the person initiating the telephone call;*

*(b) The name, address and telephone number of the person who is responsible for the excavation or demolition;*

*(c) The starting date and anticipated duration of the excavation or demolition;*

*(d) The type of excavation or demolition to be conducted;*

*(e) The specific area of the excavation or demolition; and*

*(f) Whether explosives are to be used.*

*2. If a person makes a notification to an association for operators pursuant to NRS 455.110, the association for operators shall provide to the person the names of the operators to whom the notice is transmitted by the association.*".

Amend sec. 21, page 4, line 42, after "*association*" by inserting "*for operators*".

Amend the bill as a whole by renumbering sec. 25 as sec. 26 and adding a new section designated sec. 25, following sec. 24, to read as follows:

"Sec. 25. NRS 455.150 is hereby amended to read as follows:

455.150 Any person who substantially complies with the provisions of NRS [455.110] *455.100 to 455.150, inclusive, and sections 2 to 20, inclusive, of this act* is not liable for the cost of repairing any damage to [an underground utility] *a subsurface installation* which results from his excavation or demolition.".

Amend sec. 25, page 6, line 32, by deleting: "and 445.150 are" and inserting "is".

Amend the text of repealed sections by deleting the text of NRS 455.150.

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 687.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 706.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 715.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 722.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 732.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 737.
Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 22.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 214.
Bill read second time and ordered to third reading.

Senate Bill No. 304.
Bill read second time and ordered to third reading.

Senate Bill No. 439.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.
Resolution read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that for the balance of the session the reading of the history on introductions of Senate bills and resolutions be dispensed with.

Motion carried.

Assemblyman Porter moved that for the balance of the session the reading of the history on all bills and joint resolutions on Second Reading be dispensed with.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 110, 236, 291, 367, 388, 464, 477, 524, 549.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Howard Bennett, Gary Lundergreen, Mss. Cheryl Hawkins, Maxine Atherton and the following students from G. Whittell High School, Zephyr Cove: Trent Albers, Garth Alling, Megan Annoni, Cheryl Bauer, Keith Brown, Brian Bryant, Vince Chiong, John Custer, Lisa Daniels, Gina DeRose, Denise Foerschler, Ryan Forvilly, Charity Fugit, Brian Fults, Juan Gonzalez, Sloan Gordon, Cindy Gyll, Clint Harqis, Greg House, Heidi Jones, Sasha Kalous, Maureen King, Eric Koch, Paul Krier, Mark Lamerdin, Jeff Matthew, Rebecca Mays, Craig McMillen, Chris Nelsen, Kelly Neu, Tarn Ostrow, Tory Parina, Kim Raab, Michelle Redlark, Joan San Agustin, Luan Sanderson, Susana Serbovan, Brett Sharp, Michelle Shearer, Ellery Stoll, August Stoten, Joe Sunde, Hollie Susich and Jason Trim.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Jarrie, Gunder, Macy, Gazlay, Aeda Roberts, Mr. Dermody and the following students from Smithridge Elementary School, Reno: Ayanna Anderson, Jennifer Clipper, Jamie Dermody, Jennifer Doggett, Brandon Donovan, Kara Doyle, Ramon Estrada, Jose Garcia, Shannon Giarrusso, Jessica Griffus, Christy Grooms, Molly Hendrick, Peter Jackson, Kristen Kaltenbach, Melissa Laws, Darren Luke, Jessica Macy, Danielle McGee, Samuel Pace, Boynton Paek, Arnold Pasao, Jody Poe, Claudia Rosas, Carlos Salguero, Maria Acuna, Jason Antundvich, Juan Archila, Kori Barnes, Donald Beaufait, Christopher Buzick, Lisa Gazlay, Melissa Gerard, Jacob Gichun, Michael Graves, Christina Lewis, Kristen Macy, Marquis McKinney, Judith Monroy, Maria Corazon-Navarro, Azhar Nizar, Dalia Orellana, Richard Pace, Riccardo Perez, Vanessa Reyes, Rhea Santi, Barbara Schaefer, Keli Smidler, Darlene Smart, Jason Stanley, Jens Sviestrup, Tony Truong, Marrea Tucker, Tiffany Vanpelt, Andrew Wilson, Jaime Santamaria, Nina Silva, Heather Steele, Ashley Sutman, Ryan Valdez and Israel Vazquez.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 22, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:43 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-SECOND DAY

CARSON CITY (Wednesday), May 22, 1991

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O Lord, what a glorious day with the birds singing, grass growing and flowers blooming. We praise Your name and power. May we in this body, and in our individual lives, somehow reflect that same glory through our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 350, 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 655; Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 172.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 82—Commending Tina Nappe for her public service relating to Nevada's natural resources.

WHEREAS, Tina Nappe has spent over 25 years in a voluntary role in the protection and enhancement of Nevada's natural resources, and has worked relentlessly for a better natural environment in and for the State of Nevada; and

WHEREAS, Tina Nappe has devoted endless hours of her own time serving on private, state and national committees involved in the management and protection of the state land and wildlife resources; and

WHEREAS, Tina Nappe served 12 years as the "Conservation Interests" representative on the State Wildlife Commission, having been appointed by both Republican and Democratic Governors; and

WHEREAS, Her hard work as a member of the Lahontan Valley Wetlands Coalition was vital to the successful passage of U.S. Senate Bill No. 3084 which ended 80 years of water wars and contains provisions for enhancement of the Stillwater Wildlife Management Area and other wetland areas in Lahontan Valley; and

WHEREAS, Tina Nappe was instrumental in the formation of the "Nevadans for Parks and Wildlife Committee" which was the driving force in the successful passage of the "Parks and Wildlife Bond Issue" which was Question 5 on the November 1990 statewide ballot; and

WHEREAS, This year Tina Nappe has been selected to receive a 1991 Chevron Conservation Award in the "Citizen Volunteer" category for her relentless work for the betterment of the state's wildlife and natural resources; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby congratulate Tina Nappe upon receiving the well-deserved Chevron Conservation Award for 1991 and commend her for her dedication to the conservation of Nevada's wildlife and natural resources; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to Ms. Tina Nappe.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman and Kerns.

Resolution adopted unanimously.

Assemblyman Freeman moved that all rules be suspended and that Assembly Concurrent Resolution No. 82 be immediately transmitted to the Senate.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Concurrent Resolution No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which were referred Assembly Bill No. 669; Senate Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 74.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

Assemblyman Bennett moved that Assembly Bill No. 248 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Joint Resolution No. 22.

Remarks by Assemblyman Bennett.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 769—An Act relating to public hazards; prohibiting a court under certain circumstances from knowingly entering an order or judgment which conceals information that may be useful to members of the public in protecting themselves from injury which may result from a public hazard; declaring void any provision of a contract requiring the concealment of such information; providing for an action for declaratory relief; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 770—An Act relating to gaming; clarifying that a special event permit is generally not required to conduct gaming within a restricted area at a public transportation facility; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 771—An Act relating to actions for medical malpractice; limiting, under certain circumstances, the amount of damages that may be awarded in such an action against a physician or nurse; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 772—An Act relating to congressional districts; redistricting the congressional districts of the Nevada congressional delegation; requiring the director of the legislative counsel bureau to file copies of maps of the congressional districts with the secretary of state; providing that copies of the maps be made available to any interested person; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblymen Freeman, Bennett and Arberry:

Assembly Bill No. 773—An Act relating to public health; creating a commission to plan for and authorize the capital expenditures of health facilities and to review their financial affairs; eliminating certain planning and regulatory agencies; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 223:

YEAS—41.

NAYS—Scherer.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

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

Amendment No. 803.

Amend section 1, page 1, by deleting line 17 and inserting: "*discussion of those comments. No action may be taken*".

Amend the title of the bill, second line, by deleting "and deliberation".

Amend the summary of the bill, first line, by deleting "and deliberation".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 633.
Bill read third time.
Remarks by Assemblyman Bache.
Assemblyman Callister moved that Assembly Bill No. 633 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Callister.
Motion carried.

Assembly Bill No. 636.
Bill read third time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 777.
Amend sec. 4, page 2, line 40, by deleting "*fraternal benefit*".
Amend sec. 4, page 2, line 42, by deleting "*fraternal benefit*".
Amend sec. 4, page 2, line 43, by deleting "*fraternal benefit*".
Amend sec. 4, page 2, line 45, by deleting "*fraternal benefit*".
Amend sec. 4, page 3, line 1, by deleting "*fraternal benefit*".
Amend sec. 4, page 3, line 4, by deleting "*fraternal benefit*".
Amend sec. 4, page 3, lines 5 and 6, by deleting "*fraternal benefit*".
Amend sec. 4, page 3, line 7, by deleting "*fraternal benefit*".
Amend sec. 4, page 3, lines 9 and 10, by deleting "*fraternal benefit*".
Assemblyman Bennett moved the adoption of the amendment.
Remarks by Assemblyman Bennett.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 687.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Assembly Bill No. 687:
YEAS—42.
NAYS—None.

Assembly Bill No. 687 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 706.

Bill read third time.
Remarks by Assemblymen Norton and Carpenter.
Roll call on Assembly Bill No. 706:
YEAS—42.
NAYS—None.

Assembly Bill No. 706 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 715.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 715:
YEAS—42.
NAYS—None.

Assembly Bill No. 715 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 732 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Evans.
Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 722.
Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Assembly Bill No. 722:
YEAS—42.
NAYS—None.

Assembly Bill No. 722 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 737.
Bill read third time.
Remarks by Assemblymen Anderson and Norton.
Assemblymen Porter, Myrna Williams and Evans moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 737.
Roll call on Assembly Bill No. 737:
YEAS—42.
NAYS—None.

Assembly Bill No. 737 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblymen Johnson, Bergevin and Scherer.

Roll call on Assembly Joint Resolution No. 22:

YEAS—34.

NAYS—Bergevin, McGaughey, Norton, Petrak, Spriggs, Stout, Wong, Mr. Speaker—8.

Assembly Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

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

Amendment No. 725.

Amend section 1, page 1, by deleting lines 3 through 24 and inserting: "zoning regulations and restrictions and the boundaries of zoning districts are determined, established and enforced, and from time to time amended.

2. A zoning regulation, restriction or boundary must not become effective until after a public hearing at which parties in interest and other persons have an opportunity to be heard. The governing body shall cause notice of the time and place of the hearing to be:

(a) Published in an official newspaper, or a newspaper of general circulation, in the city, county or region; and

(b) Mailed to each tenant of a mobile home park if that park is located within 300 feet of the property in question,

at least 10 days before the hearing.

3. If the proposed amendment involves a change in the [boundary of a zoning district] *existing zoning* in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:

(a) *The applicant;*

*(b)* Each owner, as listed on the county assessor's records, of real property located within [300] *600* feet of the portion of the boundary being changed;

[(b)] *(c)* Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph [(a);] *(b);* and

[(c)] *(d)* Any advisory board which has been established for the affected area by the governing body.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change.".

Amend sec. 2, page 3, by deleting lines 3 through 19 and inserting:

"3. If the application is for the issuance of a special use permit in a county whose population is 100,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to each owner, as listed on the county assessor's records, of [at] *:*

*(a) Real property located within 600 feet of the property in question; and*

*(b) At* least 30 parcels nearest to the property in question.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.

4. *The exterior of the notice mailed pursuant to subsection 3 must bear a statement printed in at least 10-point bold type in substantially the following form:*

*URGENT! PROPERTY OWNER!*

*5.* An ordinance adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the board or commission to the governing body.".

Amend sec. 2, page 3, line 20, by deleting "*4,*" and inserting "*3,*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 223, 484, 687, 706, 715, 722, 737; Assembly Joint Resolution No. 22 and Assembly Concurrent Resolution No. 74 be immediately transmitted to the Senate.

Motion carried unanimously.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 50.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 50.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblymen Sader, Humke, Kerns, Freeman, Myrna Williams, Gibbons and Price.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. Mr. Speaker, it is with sadness and pleasure, both, I think, that we commemorate Sidney Stern. I knew Sidney for over a decade. Unfortunately, very few of us here in these halls now remember when Sidney was a fixture himself around the legislature.

The Sterns came to Nevada at mid-life and were immediately involved in financial institutions in northern Nevada. Sid Stern was the prime lobbyist for the thrift laws that we passed in the 70's. Those who were here at that time remember a very honest, forthright and intense lobbyist who would not take "no" for an answer and is truly the father of the thrift laws in this state.

More than anything that stands out about Sid Stern and Vera Stern were their immense generosity. Their involvement in the educational system in this state, politics in the community, their church, and with their family, there just wasn't any area of Nevada life that wasn't touched by the Sterns and their generosity. In that respect, I think they have made a true impact to the whole state and it's appropriate that this legislature commemorate Sid and Sid's passing because Nevada is a better place because of Sidney Stern.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I echo the remarks of the previous speaker. I, too, was deeply saddened by the passing of Mr. Stern. He has done so much for this state. His generosity is legend.

I would like to illustrate just how much he cared for his community and for his state. I was talking to him on one occasion and we were talking about a certain individual who will remain nameless. I mentioned that the person was a pretty good legislator and that he was a Republican and Sidney said, "Well, that doesn't matter. I don't care what party he is, that person is good for the State of Nevada and that's why I support that person." I think that typifies the attitude that Mr. Stern had. I support this resolution very strongly. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I would also like to rise in support of S.C.R. No. 50. I met Sidney back in about 1980 when I was going door-to-door knocking on doors, the first time I ran for this Assembly. I knocked on a door and a guy answered the door and there was quite a commotion going on inside. I told him what I wanted and he said, "Well, come on in, I'm having a little party and you can meet a lot of people in here." So I went in and Sidney and Vera were there. First time I had ever met Sidney. We discussed what my philosophies were about a few things. I went on about my way and I didn't hear anything more from Sidney until I lost the election. I got a little note from Sidney with a little check and this has always told me a lot about Sidney. Not too many people in this world that are really successful support losers. Sidney supported everybody and I don't think there is anybody's life in this state, hardly, indirectly or directly, that hasn't been touched by Sidney's generosity or his help in their businesses and many, many other ways. I just want to say this about Sidney and thank you, Vera. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of this resolution. I first met the Sterns probably in about 1978 when they were involved in one of the issues in which I was involved. I found him to be a person of enormous sense of compassion and concern for the

underdog. Sidney was always there, no matter what kind of an organization or party that you would go to, they were always there helping and doing what they could. I appreciated his wonderful sense of friendliness and sense of humor. It is a great loss.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I met Mr. Stern prior to my coming here. We shared the same religious background, worked for many of the same causes and when I first met Mr. Stern, that was how we met. I have to say that Mr. Stern was not only nonpartisan in his evaluation of people, he was also ecumenical in his choice of causes, of worthy things to support whether it would be the arts, or people, children or seniors. It was certainly an honor to have known him, to have been his friend, to know Vera. We miss him greatly.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I also rise in support of this resolution. As a constituent, I have known both Sid and Vera for some time. I would like to say that Sidney represents the quintessential citizen of this state. Not only was he a humorous person, and he did contribute greatly to all charities, he was a person who never spoke about anybody in a derogatory fashion. I never heard the man speak a word in anger and I think that if we could all pattern our lives after Sidney, we would be far better off, the State of Nevada would be far better off. I would like to extend my sympathy to Vera, who is here today. As someone who represents many people in this district, we all express our sorrow in Sid's passing.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of S.C.R. No. 50. I had the pleasure, and I would consider it an honor, of first meeting Sid about 17 years ago. What I remember, outstanding in my mind, with Sid, Vera and his family, is that they are and Sid was, such people-people.

Sid, I presume, was pretty well off financially, yet he related to everyone, from the poorest person on the street to the well-to-do. They were kind and generous. Many years ago, and from time to time, when one of the other legislators who was also a good friend and now in the other house, and myself came into town, we even borrowed their old car, Sid's old car, to run around and do errands which was amazing to me in those days.

Besides his financial institutions that he started, I enjoyed his restaurant on Vassar and Wells, the Spaghetti House, even though it didn't last long enough; I thought it was beautiful and for those who don't know, Sid's headquarters, I guess. He had bought the old Catholic rectory and the church at the corner of Vassar and Wells and he took the rectory and turned it into the headquarters, and it's been a long time since I've been in there, but it was just like it was in the old days, with beautiful furniture and antiques and he took the church and turned it into a Spaghetti House which I thought was great and well-done. The church is still there, I don't know what they are doing now.

Sid was a person of his word. Back in the days when we were first working, before we had the thrift laws that allowed a thrift company to become established in Nevada, one of the things that he promised was that if the bill was approved, and this was only on word, it was nothing in the bill, that he would provide the services to every small town in Nevada. Eventually, he did exactly that. You could go to Tonopah, North Las Vegas or Elko or wherever and there was Nevada First Thrift. He was certainly good for his word.

One other little thing I remember is that their home is the only home that I have ever been in that was geothermally heated. Not that Sid caused that to come about, but it was rather unique. He was a wonderful warm person and as a transplant from California, became a wonderful Nevadan and we are saddened by his passing as I know his family is but he will be remembered with great love and compassion. Thank you.

Resolution adopted unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 350, 483, 584, 628, 637, 655, 669; Senate Bills Nos. 85, 382 and 442 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:10 p.m.

## ASSEMBLY IN SESSION

At 12:18 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 214, 304, 308, 355, 439 and Senate Joint Resolution No. 2 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 83—Directing the Department of Motor Vehicles and Public Safety to conduct a study of the feasibility of establishing a provisional drivers' licensing system.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 774—An Act relating to procedure in criminal cases; requiring the collection of an additional administrative assessment from any person convicted of driving under the influence of alcohol or a controlled substance or of an offense involving the use, possession or sale of a controlled substance; providing for the use of the money collected; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 775—An Act relating to punishment for crime; providing for a program of intensive supervision by the department of parole and probation as an alternative to incarceration; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 354.

The following Senate amendment was read:

Amendment No. 324.

Amend section 1, page 1, line 2, by deleting "Nevada the" and inserting: "Nevada:

1. The".

Amend section 1, page 1, between lines 4 and 5 by inserting:

"2. The sum of $138,383 for the pensions of justices and judges and their surviving spouses and surviving children. This appropriation is supplemental to that made by section 20 of chapter 611, Statutes of Nevada 1989, at page 1348.".

Amend sec. 2, page 1, line 5, by deleting "appropriation" and inserting "appropriations".

Amend sec. 2, page 1, line 7, by deleting "reverts" and inserting "revert".

Amend the title of the bill to read as follows:

"An Act making supplemental appropriations to the supreme court of Nevada for the support of the retired justices' duty fund and the pensions of justices and judges and their surviving spouses and surviving children; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes supplemental appropriations to supreme court of Nevada for support of retired justices' duty fund and pensions of justices and judges and their surviving spouses and children. (BDR S-1827)".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 354.

Remarks by Assemblymen Callister, Garner and Spriggs.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 366.

The following Senate amendment was read:

Amendment No. 365.

Amend section 1, page 1, line 1, by deleting "1.".

Amend section 1, page 1, by deleting lines 4 through 9.

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 366.

Remarks by Assemblymen Callister and Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 112.

The following Senate amendment was read:

Amendment No. 634.

Amend section 1, page 1, line 8, by deleting "*$12*" and inserting "*$10*".

Amend section 1, page 1, line 17, by deleting "*12*" and inserting "*3*".

Amend section 1, page 1, by deleting line 20 and inserting:

"For serving every [notice,] rule or order.....[6.00] *8*

*For serving one notice required by law before the commencement of a proceeding for any type of eviction..... 15*

*For serving not fewer than 2 nor more than 10 such notices to the same location, each notice..... 12*

*For serving not fewer than 11 nor more than 24 such notices to the same location, each notice..... 10*

*For serving 25 or more such notices to the same location, each notice..... 9*

*For mileage in serving such a notice, for each mile necessarily and actually traveled in going only..... 1*

*But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.*".

Amend section 1, page 1, line 21, by deleting "*12*" and inserting "*8*".

Amend section 1, page 2, line 4, by deleting "*12*" and inserting "*5*".

Amend section 1, page 2, line 7, by deleting "*12*" and inserting "*5*".

Amend section 1, page 2, line 11, by deleting "*5*" and inserting "*3*".

Amend section 1, page 2, line 14, by deleting "*10*" and inserting "*12*".

Amend section 1, page 2, by deleting line 32 and inserting: "[$500, 1 percent; on all] *$3,500, 2 percent, and on all amounts* over that sum, one-half of 1 percent.".

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

"Sec. 2. NRS 258.070 is hereby amended to read as follows:

258.070 1. Each constable shall:

(a) Be a peace officer in his township.

(b) Serve all mesne and final process issued by a [justice of the peace.] *court of competent jurisdiction.*

(c) Discharge such other duties as are or may be prescribed by law.

2. [In case] *If* a sheriff or his deputy in any county in this state [shall make an arrest of] *arrests* any person or persons charged with a criminal offense or [arrested] in the commission of an offense, the sheriff or his deputy shall [have the privilege, and he shall] serve all process, whether mesne or final, and attend the court executing the order thereof in the prosecution of the person or persons so arrested, whether in a justice's court or a district court, to a final conclusion, and whether the [same be] *offense is* an offense of which a justice of the peace has jurisdiction, or whether the [same be] *the proceeding is* a preliminary examination or hearing. The sheriff or his deputy shall [receive] *collect* the same fees and in the same manner therefor as the constable of the township, in which [such] *the* justice's court is held, would receive for [like] *the same* service.".

Amend sec. 2, page 3, line 10, by deleting "*$12*" and inserting "*$10*".

Amend sec. 2, page 3, by deleting lines 11 and 12.

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

Amend sec. 2, page 3, line 14, by deleting "*12*" and inserting "*3*".

Amend sec. 2, page 3, line 16, by deleting "*12*" and inserting "*5*".

Amend sec. 2, page 3, line 17, by deleting "*12*" and inserting "*8*".

Amend sec. 2, page 3, line 24, by deleting "*4*" and inserting "*3*".

Amend sec. 2, page 3, line 28, by deleting "*12*" and inserting "*8*".

Amend sec. 2, page 3, by deleting line 43 and inserting: "For [all services in an] *each service in a summary* eviction *, except service*".

Amend sec. 2, page 4, line 1, by deleting "*12*" and inserting "*5*".

Amend sec. 2, page 4, by deleting line 26 and inserting: "defendant, *on the first $3,500,* 2 percent thereof [.] *, and on all amounts over that sum, one-half of 1 percent.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 112.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 228.

The following Senate amendment was read:

Amendment No. 673.

Amend sec. 5, page 3, line 37, by deleting "If" and inserting: "[If] *Except as otherwise provided in this subsection, if*".

Amend sec. 5, page 3, line 40, after "*vacancy.*" by inserting: "*If the remaining trustees fail to make the appointment within that time, the board of county commissioners of Lander County shall make the appointment.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 228.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 280.

The following Senate amendment was read:

Amendment No. 571.

Amend section 1, pages 1 and 2, by deleting line 22 on page 1 and line 1 on page 2 and inserting: "business licenses, personal property and any other activity of any of".

Amend section 1, page 2, by deleting line 5 and inserting:

"*(f) In a county whose population is 100,000 or more, the centralization of part or all of billing and collection aspects of any fine, fee, bail or forfeiture imposed by a court and any payment*".

Amend the title of the bill, first line, after "commissioners" by inserting: "in certain counties".

Amend the summary of the bill, first line, after "commissioners" by inserting: "in certain counties".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 280.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 309.

The following Senate amendment was read:

Amendment No. 501.

Amend sec. 2, page 2, line 5, by deleting "*agency*" and inserting "*service*".

Amend sec. 2, page 2, line 12, after "state." by inserting: "*Any contract with an independent administrator must be approved by the commissioner of insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 309.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 370.

The following Senate amendment was read:

Amendment No. 558.

Amend section 1, page 2, line 1, after "to" by inserting: "*each member of the commission, to*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 370.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 522.

The following Senate amendment was read:

Amendment No. 667.

Amend section 1, page 1, line 11, by deleting "*may*" and inserting "*shall*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 522.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 422.

The following Senate amendment was read:

Amendment No. 668.

Amend the bill as a whole by deleting sec. 1.5.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 5.073 is hereby amended to read as follows:

5.073 The practice and proceedings in the municipal court must conform, as nearly as practicable, to the practice and proceedings of justices' courts in similar cases . [, except that an] *An* appeal perfected transfers the

action to the district court for trial anew [.] , *unless the municipal court is designated as a court of record as provided in NRS 5.010.* The municipal court must be treated and considered as a justice's court whenever the proceedings thereof are called into question.".

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

"Sec. 18.5. NRS 266.595 is hereby amended to read as follows:

266.595 Appeals to the district court may be taken from any final judgment of the municipal court in [the same manner and with the same effect as appeals from justices' courts in civil or criminal cases, as the case may be.] *accordance with the provisions of NRS 5.073.*".

Amend sec. 56, page 38, by deleting lines 32 through 42 and inserting:

"Sec. 56. (Deleted by amendment.)".

Amend the bill as a whole by adding new sections designated sections 70.6, 70.7 and 70.8, following sec. 70.5, to read as follows:

"Sec. 70.6. Section 7 of chapter 128, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 7. NRS 484.3795 is hereby amended to read as follows:

484.3795 1. Any person who, while under the influence of intoxicating liquor or with 0.10 percent or more by weight of alcohol in his blood, or while under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance, or any person who inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle, does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this state, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, any person other than himself, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. [Unless a person at the time he is so imprisoned:

(a) Has been previously convicted of a felony other than:

(1) One previous violation of this section; or

(2) One previous violation of paragraph (c) of subsection 1 of NRS 484.3792; or

(b) Has a history of violent criminal conduct which can be demonstrated,

he] *A person so imprisoned* must, insofar as practicable, be segregated from offenders whose crimes were violent and , *insofar as practicable,* be assigned to an institution *or facility* of minimum security . [or, if space is available, to an honor camp, restitution center or similar facility.]

2. No prosecuting attorney may dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of

trial. Except as otherwise provided in subsection 3, a sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. A person convicted of violating any provision of this section may be sentenced to a specified term of imprisonment in accordance with the provisions of subsection 1. The court may order suspension of the sentence if, as a condition of the suspension, the defendant:

(a) Is imprisoned in the state prison, an institution of minimum security, [an honor] *a conservation* camp, a restitution center or a similar facility for not less than 1 year; and

(b) Upon completion of the term of imprisonment, begins serving a period of probation not to exceed 10 years.

Sec. 70.7. Section 1 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Section 1. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the state insurance fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Federal Home Loan Bank Board or the Federal Home Loan Mortgage Corporation, whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over and above all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Short-term financing for counties, cities and school districts authorized pursuant to chapter 354 of NRS;

(k) Loans bearing interest at a rate determined by the state board of finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks or insured savings and loan associations;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed [10] *20* percent of the total portfolio;

(o) Commercial paper issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) Is purchased from a registered broker-dealer;

(2) At the time of purchase has a remaining term to maturity of no more than 270 days; and

(3) Is rated by a nationally recognized rating service as ["P-1," "A-1"] *"A-1," "P-1"* or its equivalent, or better,

except that investments pursuant to this paragraph may not, in aggregate value, exceed [25] *20* percent of the total portfolio, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible; and

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of no more than 3 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

except that investments pursuant to this paragraph may not, in aggregate

value, exceed [25] *20* percent of the total portfolio, and if the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, it must be sold as soon as possible.

2. Repurchase agreements are proper and lawful investments of money of the state and the state insurance fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The state treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the state treasurer;

(2) The state treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the state treasurer and the state board of finance pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the state treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The state must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the state when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the state concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. As used in subsection 2:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the state or state insurance fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

4. No money of this state may be invested pursuant to a reverse-repurchase agreement, except money invested pursuant to chapter 286 or 616 of NRS.

Sec. 70.8. Section 1 of Assembly Bill No. 391 of this session is hereby amended to read as follows:

Section 1. NRS 616.427 is hereby amended to read as follows:

616.427 Except as otherwise provided in NRS 616.428:

1. If an employee who has a permanent physical impairment from any cause or origin incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, no condition may be considered a "permanent physical impairment" unless it would support a rating of permanent impairment of [12] *6* percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment in the form most recently published and supplemented before January 1, 1986.

4. In order to qualify under this section for reimbursement from the subsequent injury fund, the insurer must establish by written records that the employer had knowledge of the "permanent physical impairment" at the time that the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. An insurer shall notify the administrator of any possible claim against the subsequent injury fund as soon as practicable, but not later than 100 weeks after the injury or death.

6. The director shall by regulation establish a procedure by which claims against the subsequent injury fund may be submitted and decisions made. *The administrator shall notify the insurer of his decision on such a claim within 90 days after the claim is received.*

7. An appeal of any decision made concerning a claim against the subsequent injury fund must be submitted directly to the appeals officer. *The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 422.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Bill No. 350.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 530.

Amend section 1, page 1, line 22, after "*certification.*" by inserting: "*The provisions of this subsection apply only to a package plant for sewage treatment whose capacity is more than 5,000 gallons per day and to any other plant whose capacity is more than 10,000 gallons per day.*".

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

"Sec. 2. If the state environmental commission requires certification of certain persons pursuant to subsection 2 of NRS 445.201, the state department of conservation and natural resources shall issue, without examination or qualification, provisional certification to each person employed as a supervisor or technician responsible for the operation and maintenance of a plant for sewage treatment on July 1, 1991. Such a provisional certification remains in effect until the employee's employment by that plant ceases for any reason.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 781.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 459.585 is hereby amended to read as follows:

459.585 1. Any person who violates or contributes to a violation of any provision of NRS 459.400 to 459.560, inclusive, 459.590 or of any regulation adopted or permit or order issued pursuant to those sections, or who does not take action to correct a violation within the time specified in an order, is liable to the department for a civil penalty of not more than [$10,000] *$25,000* for each day on which the violation occurs. This penalty is in addition to any other penalty provided by NRS 459.400 to 459.600, inclusive.

2. The department may recover, in the name of the State of Nevada, actual damages which result from a violation, in addition to the civil penalty provided in this section. The damages may include expenses incurred by the department in removing, correcting or terminating any adverse effects which resulted from the violation and compensation for any fish, aquatic life or other wildlife destroyed as a result of the violation.

Sec. 3. NRS 459.595 is hereby amended to read as follows:

459.595 Any person who:

1. Knowingly makes any false statement, representation or certification on any application, record, report, manifest, plan or other document filed or required to be maintained by any provision of NRS 459.400 to 459.560, inclusive, NRS 459.590 or by any regulation adopted or permit or order issued pursuant to those sections; or

2. Falsifies, tampers with or knowingly renders inaccurate any device or method for continuing observation required by a provision of NRS 459.400 to 459.560, inclusive, or by any regulation adopted or permit or order issued pursuant to those sections,

shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than [$10,000,] *$25,000,* or by both fine and imprisonment. Each day the false document remains uncorrected or a device or method described in subsection 2 remains inaccurate constitutes a separate violation of this section for purposes of determining the maximum fine.".

Amend sec. 2, pages 1 and 2, by deleting lines 22 through 24 on page 1 and lines 1 through 5 on page 2 and inserting:

"*1. Violates* NRS 459.590, subsection 1 of NRS 459.515 [,] *or* any term or condition of a permit issued pursuant to NRS 459.520 [or] *;*

*2. Violates* an order issued by the department relating to hazardous waste [:

1. For the first violation, shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $25,000 for each day of the violation, or by both fine and imprisonment.

2. For a second or subsequent violation,] *, if:*

*(a) The violation threatens or harms the environment or the personal safety of other persons; and*

*(b) The person has not made a good faith effort to comply with the order; or*

*3. Disposes of or discharges hazardous waste in any manner not authorized by the*".

Amend the title of the bill to read as follows:

"An Act relating to hazardous waste; increasing the penalty of violations of certain statutes and orders relating to hazardous waste; providing a penalty for any unlawful disposal or discharge of hazardous waste; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 584.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 780.

Amend sec. 3, pages 1 and 2, by deleting lines 16 through 23 on page 1 and lines 1 through 8 on page 2 and inserting: "*by section 4 of this act, shall repair any damage to the fence caused by or related to the erection of the structure or the associated development of the land. The developer is liable for any damage done by any livestock which stray from the pasture through the damaged portion of the fence for which he is responsible, and to the owner of the livestock for any loss suffered as a result of their straying and for the loss accruing from a suit for any such damages when necessarily resorted to for their recovery.*".

Amend sec. 3, page 2, line 9, by deleting "*4.*" and inserting "2.".

Amend the title of the bill, first line, by deleting "to maintain" and inserting: "on developers to repair damage to".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 628.

Bill read second time.

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

Amendment No. 719.

Amend section 1, page 1, by deleting lines 10 through 20 and inserting:

"*(a) He has an illness related to an extraordinary amount of stress which is in excess of the amount of stress typically experienced as a result of conditions normally affecting the reasonable person's life or employment;*

*(b) The conditions at his place of employment were the primary cause of the illness; and*

*(c) The illness was not caused by his layoff, termination of his employment or disciplinary action taken against him.*

*3. As used in this section "illness related to stress" means a mental disorder resulting from gradually induced mental stress.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted on a division of the house.

Assemblyman Giunchigliani moved that Assembly Bill No. 628 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

Assembly Bill No. 637.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 797.

Amend sec. 3, page 1, line 16, by deleting "*shall*" and inserting: "*may establish and*".

Amend sec. 3, page 2, line 1, by deleting "*The*" and inserting: "*If such a program is established, the*".

Amend sec. 6, page 3, line 37, by deleting "*The*" and inserting: "*If such a program is established, the*".

Amend sec. 8, page 4, line 19, by deleting "*The*" and inserting: "*If such a program is established, the*".

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Amend the summary of the bill, first line, by deleting "Establishes" and inserting: "Authorizing establishment of".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 655.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 810.

Amend sec. 2, page 1, line 15, by deleting "*upon*" and inserting "*on*".

Amend sec. 2, page 2, line 13, by deleting "*or the*" and inserting "*to the*".

Amend sec. 2, page 2, by deleting line 17 and inserting: "*less than its liabilities;*".

Amend sec. 2, page 2, by deleting lines 22 through 26.

Amend sec. 4, page 3, line 19, by deleting "*in the*" and inserting "*in this*".

Amend sec. 6, page 3, line 42, after "*1.*" by inserting: "*The provisions of this section apply to corporations organized in this state on or after October 1, 1991.*

*2.*".

Amend sec. 6, page 3, line 45, by deleting "2." and inserting "*3.*".

Amend sec. 30, page 12, by deleting line 35 and inserting: "*section 14 of this act.*".

Amend sec. 36, page 14, line 29, by deleting "*share*" and inserting "*certificates*".

Amend sec. 41, page 15, by deleting lines 39 and 40 and inserting: "*county where a corporation's registered office is located. If the corporation is a foreign corporation*".

Amend sec. 60, page 21, line 3, by deleting "*capital*".

Amend sec. 71, page 24, line 31, after "["Articles]" by inserting: "*"Approval" and "vote" when used in the context of an action by the directors or stockholders mean the vote of directors or stockholders in person, by proxy or by written consent.*

*(b)*".

Amend sec. 71, page 24, line 39, by deleting "(b)" and inserting "[(b)] *(c)*".

Amend sec. 71, page 24, line 40, by deleting "(c) ["Principal" and inserting "[(c) "Principal".

Amend sec. 71, page 24, line 41, by deleting "to] *"Registered office"*" and inserting: "to]

*(d) "Registered office"*".

Amend sec. 71, page 24, line 43, by deleting "(d)" and inserting "[(d)] *(e)*".

Amend sec. 71, page 24, line 45, by deleting "(e)" and inserting "[(e)] *(f)*".

Amend sec. 72, page 25, line 7, by deleting ", *86*".

Amend sec. 74, page 27, line 1, after "office" by inserting: "*box or street*".

Amend sec. 74, page 27, line 10, after "office" by inserting: "*box or street*".

Amend sec. 76, page 27, line 33, by deleting the bracket.

Amend sec. 76, page 27, by deleting line 34 and inserting "similar to:".

Amend sec. 76, page 27, line 40, by deleting "*181*" and inserting "*186*".

Amend sec. 76, page 27, line 46, by deleting "[is" and inserting "is:".

Amend sec. 76, page 28, by deleting line 1 and inserting: "(a) Deceptively similar to that used by or".

Amend sec. 76, page 28, by deleting lines 9 through 11 and inserting:

"*3. For the purposes of this section, the name of one corporation is not in compliance with subsections 1 and 2 solely because its name contains distinctive lettering, a distinctive mark, a trade-mark or a trade name or any combination of*".

Amend sec. 80, pages 29 and 30, by deleting lines 43 through 47 on page 29 and lines 1 through 3 on page 30 and inserting:

"3. To purchase, hold, sell and transfer shares of its own [capital] stock, and use therefor its [capital, capital surplus, surplus, or other] property or [funds,] *money,* except that [:

(a) A corporation shall not use its money or property for the purchase of its own shares of capital stock when such a use would cause any impairment of the capital of the corporation, except as provided in NRS 78.410 to 78.445, inclusive; and

(b) Shares] *shares* of its own [capital] stock belonging to the corporation must not be".

Amend sec. 85, page 34, line 27, after "*be*" by inserting: "*a part of or*".

Amend sec. 95, page 38, by deleting lines 16 through 20 and inserting:

"78.185 1. Except as otherwise provided in subsection 2, if any [corporation is suspended from doing business] *corporation's charter is revoked* under the provisions of this chapter or any previous act of the legislature of Nevada and the name of the corporation, or one deceptively similar to it, has been:".

Amend sec. 95, page 38, line 26, by deleting the bracket.

Amend sec. 95, page 38, by deleting lines 27 and 28 and inserting: "and different from any name reserved or otherwise in use, the secretary".

Amend sec. 95, page 38, line 32, by deleting the bracket.

Amend sec. 95, page 38, by deleting lines 33 and 34 and inserting: "same as or similar to the defaulting corporation's old name or a new".

Amend sec. 95, page 38, by deleting lines 41 and 42 and inserting:

"*3. For the purposes of this section, the name of one corporation is not in compliance with subsections 1 and 2 solely because its name contains*".

Amend sec. 96, page 39, line 16, by deleting "capital" and inserting "[capital]".

Amend sec. 96, pages 39 and 40, by deleting lines 30 through 48 on page 39 and lines 1 through 3 on page 40 and inserting:

"6.] *Every corporation shall prescribe the classes, series and the number of shares of each class or series which the corporation is authorized to issue in the articles of incorporation. If more than one class or series of stock is authorized, the articles of incorporation must prescribe, or vest authority in the board of directors to prescribe, the classes, series and the number of each class or series of stock and the voting powers, designations, preferences, limitations, restrictions and relative rights of each class or series of stock. If more than one class or series of stock is authorized, the articles of incorporation or the resolution of the board of directors passed pursuant to a provision of the articles must prescribe a distinguishing designation for each class and series. The voting powers, designations, preferences, limitations, restrictions, relative rights and distinguishing designation of each class or series of stock must be described in the articles of incorporation or the resolution of the board of directors before the issuance of shares of that class or series.*

*2. All shares of a series must have voting powers, designations, preferences, limitations, restrictions and relative rights identical with those of other shares of the same series and, except to the extent otherwise provided in the description of the series, with those of other series of the same class.*

*3. Unless otherwise provided in the articles of incorporation, no stock issued as fully paid up may ever be assessed and the articles of incorporation must not be amended in this particular.*".

Amend sec. 96, page 40, line 4, by deleting "4." and inserting "*4.*".

Amend sec. 99, page 42, line 17, after "78.207" by inserting "*1.*".

Amend sec. 99, page 42, between lines 31 and 32 by inserting:

"2. *As used in this section, the term "stated capital" means that part of the consideration received by a corporation for its issued shares of stock determined by the board of directors to be capital, which must not be less than the aggregate par value of the issued shares having a par value. If the board of directors has not determined what part of the consideration received for its issued shares of stock is capital, the stated capital of the corporation is the aggregate par value of the issued shares having a par value.*".

Amend sec. 103, page 44, line 12, by deleting "a security" and inserting: "[a security] *the stock*".

Amend sec. 103, page 44, line 14, by deleting "security" and inserting "[security] *stock*".

Amend sec. 103, page 44, line 22, by deleting: "securities issued [prior to]" and inserting: "[securities issued prior to] *stocks issued*".

Amend sec. 103, page 45, line 9 after the bracket by inserting "*; or*".

Amend the bill as a whole by adding a new section designated sec. 103.5, following sec. 103, to read as follows:

"Sec. 103.5. NRS 78.265 is hereby amended to read as follows:

78.265 1. *The provisions of this section apply to corporations organized in this state before October 1, 1991.*

2. Except to the extent limited or denied by this section or the articles of incorporation, shareholders have a preemptive right to acquire unissued shares, treasury shares or securities convertible into such shares.

[2.] *3.* Unless otherwise provided in the articles of incorporation:

(a) A preemptive right does not exist:

(1) To acquire any shares issued to directors, officers or employees pursuant to approval by the affirmative vote of the holders of a majority of the shares entitled to vote or when authorized by a plan approved by such a vote of shareholders;

(2) To acquire any shares sold for a consideration other than cash;

(3) To acquire any shares issued at the same time that the shareholder who claims a preemptive right acquired his shares;

(4) To acquire any shares issued as part of the same offering in which the shareholder who claims a preemptive right acquired his shares; or

(5) To acquire any shares, treasury shares or securities convertible into such shares, if the shares or the shares into which the convertible securities may be converted are upon issuance registered pursuant to section 12 of the Securities Exchange Act of 1934 (15 U.S.C. § 78 1).

(b) Holders of shares of any class that is preferred or limited as to dividends or assets are not entitled to any preemptive right.

(c) Holders of common stock are not entitled to any preemptive right to shares of any class that is preferred or limited as to dividends or assets or to any obligations, unless convertible into shares of common stock or carrying a right to subscribe to or acquire shares of common stock.

(d) Holders of common stock without voting power have no preemptive right to shares of common stock with voting power.

(e) The preemptive right is only an opportunity to acquire shares or other securities upon such terms as the board of directors fixes for the purpose of providing a fair and reasonable opportunity for the exercise of such right.".

Amend sec. 108, page 46, by deleting lines 37 through 39 and inserting:

"*different proportions:*

*(a) Stockholders holding at least a majority of the voting power are necessary to constitute a quorum for the transaction of business; and*

*(b) An act of stockholders who hold at least a majority of the voting power and*".

Amend sec. 109, page 47, line 34, by deleting "capital" and inserting "[capital]".

Amend sec. 115, page 52, line 46, by deleting "*Title,*" and inserting "*chapter,*".

Amend sec. 118, page 53, by deleting lines 30 and 31 and inserting:

"78.380 1. The incorporators of any corporation, before [the payment of any part of its capital,] *issuing any stock,* may amend the original articles of incorporation".

Amend sec. 118, page 53, by deleting lines 43 and 44 and inserting:

"(3) Affirmatively declare that to the date of the certificate, no [part of the capital of the corporation has been paid.] *stock of the corporation has been issued.*".

Amend sec. 119, page 54, line 7, by deleting "capital" and inserting "[capital]".

Amend sec. 119, page 54, line 13, by deleting "capital" and inserting "[capital]".

Amend sec. 122, page 56, line 37, by deleting "*The court*" and inserting "*The court,*".

Amend sec. 124, page 57, line 21, by deleting "capital" and inserting "[capital]".

Amend sec. 125, page 57, line 40, by deleting "capital" and inserting "[capital]".

Amend sec. 125, page 57, line 41, by deleting "capital" and inserting "[capital]".

Amend sec. 126, page 58, line 2, by deleting "capital" and inserting "[capital]".

Amend sec. 126, page 58, line 4, by deleting "capital" and inserting "[capital]".

Amend sec. 126, page 58, line 8, by deleting "capital" and inserting "[capital]".

Amend sec. 126, page 58, line 10, by deleting "capital" and inserting "[capital]".

Amend sec. 127, page 58, by deleting lines 17 and 18 and inserting:

"1. [An amended certificate] *Amended articles* of incorporation before [payment of capital] *the issuance of stock* and not involving an increase of authorized [capital] stock; *or*".

Amend sec. 127, page 58, line 20, by deleting "capital" and inserting "[capital]".

Amend sec. 132, page 60, line 19, by deleting "must file [:" and inserting "must:".

Amend sec. 132, page 60, line 20, by deleting: "(a) In] *in*" and inserting: "(a) File in".

Amend sec. 132, page 60, line 21, by deleting "[(1)] *(a)*" and inserting "(1)".

Amend sec. 132, page 60, line 29, by deleting "[(2)] *(b)*" and inserting "(2)".

Amend sec. 132, page 60, line 34, by deleting "[(3)] *(c)*" and inserting "(3)".

Amend sec. 132, page 60, line 38, by deleting: "[(4)] (d) A" and inserting: "(b) Lodge in the office of the secretary of state a".

Amend sec. 132, page 60, line 39, by deleting "capital" and inserting "[capital]".

Amend sec. 132, page 60, line 42, by deleting "[(b) In" and inserting: "[(c) File in".

Amend sec. 132, page 60, line 46, by deleting the bracket.

Amend sec. 132, page 60, by deleting lines 47 and 48 and inserting "similar to:".

Amend sec. 134, page 62, line 1, by deleting: "*vice president, secretary*" and inserting "*secretary, treasurer*".

Amend sec. 140, page 63, by deleting line 29 and inserting: "5. If formed with [capital] stock, the amount of its [capital] stock and the".

Amend sec. 140, page 63, line 30, after "value" by inserting ", *if any,*".

Amend sec. 141, page 64, line 4, by deleting "capital" and inserting "[capital]".

Amend sec. 141, page 64, line 6, by deleting "capital" and inserting "[capital]".

Amend sec. 141, page 64, line 8, by deleting "capital" and inserting "[capital]".

Amend sec. 146, page 66, by deleting lines 34 through 36 and inserting: "sive, shall have power of succession by its associate name for 50 years and shall have power:

1. To sue] *81.270, inclusive, may:*".

Amend sec. 153, page 70, line 11, by deleting "*228*" and inserting "*233*".

Amend sec. 169, page 73, line 18, after the semicolon by inserting "*or*".

Amend sec. 169, page 73, by deleting lines 22 through 24 and inserting "*as amended.*".

Amend sec. 175, page 74, line 10, by deleting "*or capital*" and inserting "*of*".

Amend sec. 176, page 74, line 21, by deleting "*or capital*" and inserting "*of*".

Amend sec. 185, page 77, by deleting lines 14 and 15 and inserting: "*corporation whose name is the same as or deceptively similar to:*".

Amend sec. 185, page 77, by deleting line 27 and inserting: "*(a) Is the same or deceptively similar to that used by or reserved for another*".

Amend sec. 185, page 77, line 29, after "*as*" by inserting: "*or deceptively similar to*".

Amend sec. 185, page 77, by deleting lines 34 and 35 and inserting:

"*3. For the purposes of this section, the name of one corporation is not in compliance with subsections 1 and 2 solely because its name contains*".

Amend sec. 192, page 80, line 13, by deleting "*to*".

Amend sec. 197, page 81, line 9, by deleting "*conformably to*" and inserting: "*in conformance with*".

Amend sec. 199, page 81, by deleting lines 42 and 43 and inserting: "*Any balance remaining must be distributed as set forth in the articles or bylaws or, if no such provisions exist, among the members of the corporation.*".

Amend sec. 201, page 82, by deleting lines 34 and 35 and inserting: "*reserving or using a name which is deceptively similar to the defaulting corporation's old name*".

Amend sec. 201, page 82, by deleting lines 37 and 38 and inserting:

"*3. For the purposes of this section, the name of one corporation is not in compliance with subsection 1 solely because its name contains*".

Amend sec. 204, page 84, line 42, after "*corporation*" by inserting: "*for public benefit must have at least five directors or trustees. All other corporations*".

Amend sec. 204, page 84, by deleting line 43 and inserting: "*have at least one director or trustee. All corporations may provide in their articles or bylaws for a fixed*".

Amend sec. 204, page 84, line 47, after the period by inserting: "*Only one officer or employee of a corporation for public benefit who is receiving a regular salary from the corporation may serve on the board at any one time.*".

Amend sec. 207, page 85, line 44, after the period by inserting: "*A chairman of the board or treasurer of a corporation for public benefit shall not accept a regular salary from the corporation for serving in that capacity.*".

Amend sec. 209, page 86, by deleting line 35 and inserting: "*does not serve, established in accordance with section 206 as to matters*".

Amend sec. 209, page 86, line 46, after "*4.*" by inserting: "*The articles of incorporation may contain a provision eliminating or limiting the personal liability of a director or officer to the corporation or its members for damages for breach of fiduciary duty as a director or officer, but such a provision must not eliminate or limit the liability of a director or officer for:*

*(a) Acts or omissions which involve intentional misconduct, fraud or a knowing violation of law;*

*(b) The payment of distributions in violation of section 211 of this act;*

*(c) With respect to corporations for public benefit, the failure of a director or officer to review information, opinions, reports, books of account or statements, including financial statements and other financial information, submitted to the director or officer for review; or*

*(d) An action or proceeding brought pursuant to section 193 of this act or chapter 35 of NRS.*

*5.*".

Amend sec. 209, page 87, by deleting line 3 and inserting: ", *knowing violation of the law or the failure of a director or officer of a corporation for public benefit to review information, opinions, reports, books of account or statements, including financial statements and other financial information, to him for review.*".

Amend sec. 210, page 87, by deleting line 36 and inserting: "*directors of corporations other than corporations for public benefit may fix the compensation of directors for services in any capacity. A director of a corporation for public benefit shall not accept a regular salary from the corporation unless he is also an officer or employee of the corporation who receives a salary for his position as an officer or employee.*".

Amend sec. 223, page 91, line 8, by deleting "*216*" and inserting "*220*".

Amend sec. 223, page 91, line 13, by deleting "*216*" and inserting "*220*".

Amend sec. 229, page 93, line 10, by deleting "*216*" and inserting "*221*".

Amend sec. 230, page 94, line 2, after "*if*" by inserting "*the*".

Amend sec. 236, page 96, line 37, by deleting: "*178 and 179*" and inserting: "*183 and 184*".

Amend sec. 240, page 98, line 21, after "*by the*" by inserting: "*chairman of the board, the*".

Amend sec. 245, page 99, line 19, by deleting the period and inserting: "*or to such members for a vote by written ballot pursuant to section 231 of this act.*".

Amend sec. 247, page 100, line 21, by deleting "*or*" and inserting "*of*".

Amend sec. 247, page 100, line 36, after "*and*" by inserting "*the*".

Amend sec. 253, page 102, by deleting line 46 and inserting: "*entitled to vote on the sale, lease or exchange or must submit the sale, lease or exchange to such members for a vote by written ballot pursuant to section 231 of this act. Notice of the proposed sale, lease or exchange*".

Amend sec. 253, page 102, line 47, by deleting the comma and inserting "*and*".

Amend sec. 264, page 107, line 47, by deleting: "*256 and 257*" and inserting: "*261 and 262*".

Amend sec. 264, page 108, line 4, by deleting "*258*" and inserting "*263*".

Amend sec. 266, page 108, line 27, by deleting "*limited.*" and inserting: "*within which they must present and prove their claims.*".

Amend sec. 282, page 110, line 19, by deleting "*307*" and inserting "*312*".

Amend sec. 287, page 110, line 32, by deleting "*291*" and inserting "*296*".

Amend sec. 295, page 112, line 4, by deleting: "*not distinguishable from,*" and inserting: "*deceptively similar to*".

Amend sec. 295, page 112, line 12, by deleting: "*cannot be distinguished from*" and inserting: "*is deceptively similar to*".

Amend sec. 295, page 112, lines 14 and 15 by deleting: "*to make the name distinguishable from*" and inserting: "*so that the name is not the same as or deceptively similar to*".

Amend sec. 304, page 116, line 9, by deleting: "*297 and 298*" and inserting: "*302 and 303*".

Amend sec. 304, page 116, line 10, by deleting "*300*" and inserting "*303*".

Amend sec. 306, page 116, line 40, by deleting "*298*" and inserting "*303*".

Amend sec. 306, page 116, line 41, by deleting "*300*" and inserting "*305*".

Amend sec. 308, page 117, line 31, by deleting "*290*" and inserting "*307*".

Amend sec. 331, page 122, line 33, by deleting "*dissolutions*" and inserting "*dissolution*".

Amend sec. 333, page 123, line 10, by deleting "capital" and inserting "[capital]".

Amend sec. 333, page 123, line 30, by deleting "The" and inserting "[The".

Amend sec. 333, page 123, line 33, by deleting "corporation." and inserting "corporation.]".

Amend sec. 335, page 125, line 19, by deleting "The" and inserting "[The".

Amend sec. 335, page 125, line 22, by deleting "association." and inserting "association.]".

Amend sec. 348, page 130, lines 44 and 45, by deleting: "*sections 185, 186 and 187*" and inserting "*section 190*".

Amend sec. 349, page 131, lines 26 and 27, by deleting: "*sections 185, 186 and 187*" and inserting "*section 190*".

Amend sec. 350, page 132, lines 8 and 9, by deleting: "*sections 185, 186 and 187*" and inserting "*section 190*".

Amend sec. 356, page 134, by deleting lines 4 and 5 and inserting:

"659.115 1. No corporation, except a bank maintaining an office in this state and doing business under the laws".

Amend sec. 356, page 134, by deleting lines 11 through 29 and inserting:

"2. For the purposes of this section "solicits deposits" has the meaning".

Amend sec. 356, page 134, line 30, by deleting "*130*" and inserting "*131*".

Amend sec. 358, page 134, by deleting line 43 and inserting: "state, except as otherwise provided in NRS 80.190 . [, 80.240 and 80.260.]".

Amend sec. 360, page 135, line 1, by deleting "78.265," and inserting "78.270,".

Amend sec. 360, page 135, line 3, after "78.3778," by inserting "78.395,".

Amend sec. 360, page 135, line 7, by deleting "80.190, 80.230,".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 78.265, 80.190 and 80.230 and inserting the leadlines of NRS 78.270 and 78.395.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 669.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 382.

Bill read second time and ordered to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 811.

Amend sec. 11, page 3, by deleting line 44 and inserting: "*of health care.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 542; Senate Bill No. 172.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nancy Carr, Helen Rasmussen, Patti Ross and Denise Rupracht.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patsy Miller and the following students from Eureka Elementary School, Eureka: Jeremy Auch, Craig Benson, Andy Carpenter, Jayme Drumm, Luke Halpin, Tanya Hammond, Dan Iliff, Jennifer Larsen, Josh Long, Jolyn Low, Marlayna Moore, Mike Nakamura, Travis Peek, Traci Templeton, Giovanni Tognoni, Robyn Goodworth and Jeb Rowley.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joan Berosini.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. K. C. DenDooven and Mrs. Bonnie DenDooven.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Vera Stern, Mr. Sam Stern, Mrs. Stephanie Stern, Mr. Gordon Bryan, Mrs. Dodie Bryan, Mr. Ron Smith, Mrs. Susan Smith and Mr. Larry Stern.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Yolanda Arrington.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 23, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:52 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-THIRD DAY

CARSON CITY (Thursday), May 23, 1991

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Art O'Rear.

Almighty God, our Father in Heaven, we humbly invoke Your blessings upon this Assembly that our representatives may make wise choices as they struggle in these trying times. We pray You give them strength and courage to make those decisions which are equitable and just for all. For we pray in the precious name of Him who we hold dear. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 271; Senate Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 629, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.



LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 481, 631, 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

WENDELL P. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 82.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 460.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 251.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 251.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 460.

Assemblyman Evans moved that the bill be referred to the Committee on Education.

Motion carried.

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

Assembly in recess at 10:57 a.m.

## ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 77.

Assemblyman Spriggs moved the adoption of the resolution.

Remarks by Assemblyman Spriggs.

Resolution adopted.

Assemblyman Bennett moved that Assembly Bill No. 248 be placed on the General File immediately following Assembly Bill No. 686.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Goetting moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2214), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Goetting.

Roll call on Assemblyman Goetting's motion.

YEAS—41.

NAYS—None.

Absent—Sader.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

By Assemblymen Goetting, Giunchigliani, Johnson, Norton, Anderson, Pettyjohn, Humke, Hardy, Wong, Elliott, Marvel, Bache, Price, Carpenter, Porter, Little, Krenzer, Arberry, Freeman, Haller, Lambert, Kerns, McGaughey, Stout, Bergevin, Gibbons, Spriggs, Gregory, McGinness, Bayley, Scherer, Heller, Bennett, Dini, Petrak, Wendell Williams, Garner, Evans, Callister, Myrna Williams, Spitler and Sader:

Assembly Concurrent Resolution No. 84—Commending Jared Barney for his courage in his fight against cancer.

WHEREAS, Jared Barney is an 8-year-old boy who has had to endure two operations for brain tumors, plus chemotherapy, in the last 4 months; and

WHEREAS, In March, only 2 months following his first surgery, Jared joined the Padres of the Western Little League Rookie Division as a pitcher and third baseman; and

WHEREAS, Jared Barney seldom missed a game although medical problems forced him to stop attending Culley Elementary School and he had to study under a tutor at home; and

WHEREAS, Throughout Jared's treatments and latest surgery which was performed on May 15, his family and especially members from the Padres have offered their support and encouragement; and

WHEREAS, Jared Barney has shown great courage, both on the baseball field and in the hospital, and with his cheerful attitude and enthusiasm for life, he has been an inspiration to his team, his family and the hospital staff; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 66th session of the Nevada Legislature hereby commend Jared Barney for his courage and strength as he fights his battle with cancer and wish him a speedy recovery so he can continue to be a top notch baseball player; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jared Barney.

Assemblyman Goetting moved the adoption of the resolution.

Remarks by Assemblyman Goetting.

Assemblyman Gibbons requested that Assemblyman Goetting's remarks be entered in the Journal.

Thank you, Mr. Speaker. You have on your desks today a series of newspaper articles that were written about Jared. I first met Jared last year when I coached the Blue Jays T Ball team. Last year we won one game, we beat the Dodgers. Everyone beat the Dodgers last year.

Jared stood out. We had 15 kids on the team. Jared, by far and away, his ability, his enthusiasm, his desire was there. He was a real good ball player. He has been through a lot. He went to bat for me all last year and with this I'm going to bat for him. This Saturday he will be throwing out the first pitch at the Las Vegas Stars baseball game and I hope that we can get this down there for this resolution to be presented to him at that time.

Resolution adopted unanimously.

By the Committee on Education:

Assembly Concurrent Resolution No. 85—Directing the Legislative Commission to conduct an interim study on public elementary and secondary education in this state.

Assemblyman Evans moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 776—An Act relating to education; creating and revising the districts from which members of the board of regents are elected; creating and revising the districts from which members of the state board of education are elected; requiring the director of the legislative counsel bureau to file copies of maps of the districts with the secretary of state; providing that copies of the maps be made available to any interested person; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 466.

Bill read third time.

Remarks by Assemblymen Haller, Pettyjohn, Humke and Wendell Williams.

Assemblyman Wendell Williams moved that Assembly Bill No. 466 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 492:

YEAS—41.

NAYS—None.

Absent—Sader.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 496.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 496:

YEAS—41.

NAYS—None.

Absent—Sader.

Assembly Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblymen Goetting, Price and Myrna Williams.

Assemblyman Goetting requested that his remarks be entered in the Journal.

For the record, I am a fire fighter. I don't feel this is a conflict and I do intend to vote for this bill.

Roll call on Assembly Bill No. 669:

YEAS—41.

NAYS—None.

Absent—Sader.

Assembly Bill No. 669 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 686.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 686:

YEAS—40.

NAYS—None.

Not voting—Gregory, Spitler—2.

Assembly Bill No. 686 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

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

Amendment No. 835.

Amend sec. 2, page 3, between lines 9 and 10, by inserting: "The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description or map of the property in question.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing notice of hearing for proposed zoning changes. (BDR 22-956)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Senate Bill No. 85:

YEAS—42.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:40 a.m.

## ASSEMBLY IN SESSION

At 11:44 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Bill No. 417; Senate Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 51.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Resolution read.

The following amendment was proposed by the Committee on Education:

Amendment No. 829.

Amend the resolution, page 1, line 11, by deleting "and enforce".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Concurrent Resolution No. 51.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Dini, Sader, Kerns and Anderson.

Assemblyman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution. I had a long experience with Mr. Parsons. We were friends for a good number of years, even before I came to the legislature. He became known as an outstanding architect and registered engineer in our state. He did so many projects for the state and so many projects in northern Nevada, this area especially, and he is renowned in our area for the quality of his work and his contribution to our state.

If you read the resolution, you will see his great interest was in historic preservation which led him to be appointed by one of the governors to the Comstock Historic District which is something that is dear to my heart. The members of Ways and Means know what

that means. His contribution was getting the people started toward preserving the history of our state, especially on the Comstock. It has led to an improvement in the conditions up there and instead of further deterioration, it has sustained the historic aspects of that community. I think he should be recognized for his outstanding contribution to that.

I also wish to give my condolences to the family and to welcome them here. I will introduce them in just a moment.

ASSEMBLYMAN SADER:

Madam Speaker pro Tempore, I would like to speak in support of the resolution. I only met Mr. Parsons once or twice. I remember the first time I met him. As some of you know, I own an office building in Reno and it's a small building in the historic Newlands District. One day I came outside my office walking down the steps and this elderly gentleman was standing in front just staring at my building. He was just standing there looking at it, and I said, "Can I help you?" He told me his name was Ed Parsons, and then he proceeded to tell me the entire history of my building starting in 1903; who owned it, what additions were made, how this part and that part of the architecture was very interesting. I learned in the conversation, of course, that he was not only an eminent architect, but also a very knowledgeable historian on the buildings and times in historic areas. I think he has made a real contribution to the state and to the information available to us on our heritage.

ASSEMBLYMAN KERNS:

Thank you, Madam Speaker pro Tempore. I would also like to rise in support of S.C.R. No. 51. I didn't know Ed Parsons, Sr., that well. I met him many, many times in business meetings and functions in Reno, but his son Ed Parsons, Jr., and his wife Sharon were good friends of mine. I know it is going to be a big void in their life, but I am very envious of them for the simple fact, that as they drive down the streets in Carson or Reno or practically any place in this state, Ed will be able to see the results of what his father has done for the State of Nevada. I am sure the passing is tough to take, but I want you to be sure that your father's memory will live on with all of us, forever. There is no way it cannot with the mark he has left on the state. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I also wish to rise in support. Mr. Parsons clearly showed his great generosity in his time and his effort. I rise, not because I have ever had the opportunity to speak with him directly, but because of the kindness he showed my oldest daughter.

Several years ago she had a high school assignment called an "I search" paper—many students may be aware of that—in which she had to go out and explore the architectural field. She made arrangements to talk to him about her chosen professional life she wanted to move into. He generously gave of his time to explain to my daughter what it was like to be an architect and the obligations of it. His generosity, his forethought in how historical buildings in our area should be maintained and the dedication to his lifestyle is appreciated by everyone who ever came in contact with him. He was always generous. I think this resolution clearly speaks of that.

Resolution adopted unanimously.

Assemblyman Wendell Williams moved that Assembly Bill No. 466 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

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

Assembly in recess at 11:57 a.m.

## ASSEMBLY IN SESSION

At 12:03 p.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goetting moved that all rules be suspended and that Assembly Concurrent Resolution No. 84 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 466 be taken from its position on the General File and placed at the top of the General File.
Remarks by Assemblyman Porter.
Motion carried.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 466.
Bill read third time.
Remarks by Assemblymen Haller and Wendell Williams.
Roll call on Assembly Bill No. 466:
YEAS—42.
NAYS—None.

Assembly Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 214.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 805.
Amend the bill as a whole by deleting sec. 45 and renumbering sec. 46 as sec. 45.
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 304.
Bill read third time.
Remarks by Assemblymen Wendell Williams, Carpenter and Freeman.
Roll call on Senate Bill No. 304:
YEAS—42.
NAYS—None.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 308, 355, 382, 439 and Senate Joint Resolution No. 2 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 344, 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 680, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 777—An Act relating to taxation; authorizing the imposition of taxes, on fuels used in motor vehicles, by the governing bodies of Indian reservations and colonies, in lieu of the taxes imposed by the state and local governments; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 778—An Act relating to the taxation of minerals; limiting the deductions that are allowed in determining the net proceeds of minerals that are subject to taxation; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 134, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

| | |
|---|---|
| VIVIAN L. FREEMAN | THOMAS J. HICKEY |
| ROBERT A. WONG | ANN O'CONNELL |
| SAUNDRA KRENZER | R. HAL SMITH |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Freeman moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 134.

Remarks by Assemblyman Freeman.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Lambert, Spriggs and Bennett as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 134.

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 39, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| RICK CHARLES BENNETT | RAYMOND C. SHAFFER |
| PATRICIA LITTLE | ANN O'CONNELL |
| BOB L. KERNS | RANDOLPH J. TOWNSEND |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 39.

Remarks by Assemblyman Bennett.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 196, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| BOB L. KERNS | RAYMOND C. SHAFFER |
| JOHN L. NORTON | RANDOLPH J. TOWNSEND |
| ROBERT A. WONG | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Kerns moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 196.

Remarks by Assemblyman Kerns.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 165.

The following Senate amendment was read:

Amendment No. 450.

Amend section 1, page 1, line 13, by deleting "*county or*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 165.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 89, 271, 344, 417, 481, 536, 576, 611, 629, 631, 646, 680; Assembly Joint Resolution No. 30; Senate Bills Nos. 166, 171, 205 and 471 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:35 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 695.

Amend section 1, page 2, line 31, by deleting "*453.176.*" and inserting: "*453.176, for which a valid prescription has not been issued to the consumer.*".

Assemblyman Elliott moved the adoption of the amendment.

Remarks by Assemblyman Elliott.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 271.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 741.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the department to offset partially the cost incurred by the state fire marshal for training emergency personnel who respond to the scene of accidents involving hazardous materials a fee of $4.50 per ton of the volume received for the disposal of hazardous waste by the facility.*

*2. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the department to offset partially the cost incurred by the public service commission of Nevada for inspecting and otherwise ensuring the safety of any shipment of*

*hazardous materials transported by rail car through or within this state a fee of $1.50 per ton of the volume received for the disposal of hazardous waste by the facility.*

*3. The operator of such a facility shall pay the fees provided in this section, based upon the volume of hazardous waste received by the facility during each quarter of the calendar year, within 30 days after the end of each quarter. The department may assess and collect a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains due.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. NRS 459.485 is hereby amended to read as follows:

459.485 The commission shall:

1. Adopt regulations governing systems of hazardous waste management, including the plan for management of hazardous waste in the entire state; and

2. Through the department:

(a) Advise, consult and cooperate with other agencies of the state, other states, the Federal Government, municipalities and other persons on matters relating to formulation of plans for managing hazardous waste.

(b) Develop a plan for management of hazardous waste in the entire state.

*(c) Develop a program to encourage the minimization of hazardous waste and the recycling or reuse of hazardous waste by persons who generate hazardous waste within Nevada. The program may include grants or other financial incentives.*

Sec. 4. NRS 459.510 is hereby amended to read as follows:

459.510 The commission may establish by regulation:

1. License fees and any other fees for the use of state-owned disposal areas for hazardous wastes, in an amount sufficient to defray all costs of monitoring, securing or otherwise regulating the storage or disposal of hazardous wastes. The fee for use of a disposal area must not be less than 25 cents per cubic foot of material placed in the area. The person who contracts with the state for the use of a disposal area is responsible for the payment of these fees. *The commission may authorize the department to waive all or part of the fees collected pursuant to this section for wastes generated:*

*(a) By agencies of the State of Nevada.*

*(b) In compliance with an order by the department to clean up a spill or deposit.*

2. Procedures for the collection of interest on delinquent fees and other accounts for the use of disposal areas.

3. Penalties of no more than $3,000 per day for each separate failure to comply with a license or agreement or $25,000 for any 30-day period for all failures to comply.

Sec. 5. NRS 459.530 is hereby amended to read as follows:

459.530 *1.* All proceeds from agreements entered into pursuant to NRS 459.505, all reimbursements and penalties recovered pursuant to NRS

459.535, and all fees collected, all civil penalties imposed and all interest accrued pursuant to NRS 459.400 to 459.600, inclusive, must be deposited with the state treasurer for credit to the fund for the management of hazardous waste, which is hereby created as a special revenue fund. The money in the fund must be paid as other claims against the state are paid.

*2. The state treasurer shall account separately for each of the fees collected pursuant to section 1 of this act.*

Sec. 6. NRS 459.535 is hereby amended to read as follows:

459.535 1. Except as otherwise provided in subsections 2 and 3, the money in the fund for the management of hazardous waste may be expended only to pay the costs of [the] *:*

*(a) The* continuing observation or other management of hazardous waste [and to establish and maintain] *;*

*(b) Establishing and maintaining* a program of certification of consultants involved in the clean up of leaks of hazardous waste, hazardous material or a regulated substance from underground storage tanks or the clean up of spills of or accidents involving hazardous waste, hazardous material or a regulated substance [.] *;*

*(c) Training persons to respond to accidents or other emergencies related to hazardous materials, including any basic training by the state fire marshal which is necessary to prepare personnel for advanced training related to hazardous materials;*

*(d) Establishing and maintaining a program by the public service commission of Nevada to inspect and otherwise ensure the safety of any shipment of hazardous materials transported by rail car through or within the state; and*

*(e) Financial incentives and grants made in furtherance of the program developed pursuant to subsection 3 of NRS 459.485 for the minimization, recycling and reuse of hazardous waste.*

2. Money in the fund for the management of hazardous waste may be expended to provide matching money required as a condition of any federal grant for the purposes of NRS 459.800 to 459.856, inclusive.

3. If the person responsible for a leak or spill of or an accident involving hazardous waste, hazardous material or a regulated substance does not act promptly and appropriately to clean and decontaminate the affected area properly, and if his inaction presents an imminent and substantial hazard to human health, public safety or the environment, money from the fund may be expended to pay the costs of:

(a) Responding to a leak or spill of or an accident involving hazardous waste, hazardous material or a regulated substance;

(b) Coordinating the efforts of state, local and federal agencies responding to a leak or spill of or an accident involving hazardous waste, hazardous material or a regulated substance;

(c) Managing the cleaning and decontamination of an area for the disposal of hazardous waste or the site of a leak or spill of or an accident involving hazardous waste, hazardous material or a regulated substance;

(d) Removing or contracting for the removal of hazardous waste, hazardous material or a regulated substance which presents an imminent danger to human health, public safety or the environment; or

(e) Services rendered in response to a leak or spill of or an accident involving hazardous waste, hazardous material or a regulated substance, by consultants certified pursuant to regulations adopted by the commission.

4. The director shall demand reimbursement of the fund for money expended pursuant to subsection 3 from any person who is responsible for the accident, leak or spill, or who owns or controls the hazardous waste, hazardous material or a regulated substance, or the area used for the disposal of the waste, material or substance. Payment of the reimbursement is due within 20 days after the person receives notice from the director of the amount due. The director shall impose an administrative penalty of not more than 5 percent of the amount of the reimbursement for each day the amount remains unpaid after the date the payment for reimbursement is due.

5. At the request of the director, the attorney general shall seek recovery by legal action of the amount of any unpaid reimbursement and penalty.

Sec. 7. 1. Expenditure of $485,000 by the state fire marshal from the revenue derived from the fee imposed by subsection 1 of section 1 of this act is hereby authorized during each of the fiscal years beginning July 1, 1991, and ending June 30, 1992, and beginning July 1, 1992, and ending June 30, 1993.

2. Expenditure of $145,500 by the public service commission of Nevada from the revenue derived from the fee imposed by subsection 2 of section 1 of this act is hereby authorized during each of the fiscal years beginning July 1, 1991, and ending June 30, 1992, and beginning July 1, 1992, and ending June 30, 1993.

3. The money authorized to be expended by the provisions of subsections 1 and 2 must be expended in accordance with the allotment transfer, work-program and budget provisions of NRS 353.150 to 353.245, inclusive, and transfers to and from salary allotments, travel allotments, operating expense allotments, equipment allotments and other allotments must be allowed and made in accordance with the provisions of NRS 353.215 to 353.225, inclusive, and after separate consideration of the merits of each request.".

Amend the title of the bill to read as follows:

"An Act relating to hazardous waste; establishing fees for the disposal of hazardous waste; authorizing the expenditure of the resulting revenue; requiring the development of a program for the minimization, recycling and reuse of hazardous waste; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes fees for disposal of hazardous waste. (BDR 40-1049)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 643.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting: "*The board of county commissioners of a county or the governing body of a city may, by ordinance, prohibit any person from advertising within its respective jurisdiction as a junk dealer or a secondhand dealer unless the person holds a valid license to engage in such a business within the jurisdiction. The county or city may require that the number of the person's business license be included in such advertising.*".

Amend the title of the bill to read as follows:

"An Act relating to used materials; authorizing counties and cities to prohibit a person from advertising as a junk or secondhand dealer without a license; making technical changes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes counties and cities to prohibit persons from advertising as junk or secondhand dealer without required license. (BDR 54-744)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 294.

Amend sec. 2, page 1, by deleting lines 5 through 9 and inserting:

"*(a) A statewide office in a total amount which exceeds $10,000; or*

*(b) Any other office in a total amount which exceeds $5,000,*".

Amend sec. 3, page 1, line 16, by deleting "*Every*" and inserting: "*Except as otherwise provided in subsection 3, every*".

Amend sec. 3, page 2, line 9, by deleting the semicolon and inserting: "*and designate an amount, if any, of not more than $10,000 for such a use during the year before the next election;*".

Amend sec. 3, page 2, between lines 13 and 14, by inserting:

"*3. A candidate may use unspent or uncommitted campaign contributions during the year before the next election for that office if:*

*(a) He designated the money for such a use pursuant to paragraph (c) of subsection 2; and*

*(b) The money is used solely for the payment of expenses directly related to his public office other than campaigning.*".

Amend sec. 3, page 2, line 14, by deleting "*3.*" and inserting "*4.*".

Amend sec. 3, page 2, line 15, after "*of a*" by inserting "*gross*".

Amend sec. 5, page 2, by deleting lines 38 through 48 and inserting:

"*2. Except as otherwise provided in subsection 3, a public officer or public employee shall not solicit, accept or receive, directly or indirectly, an honorarium.*".

Amend sec. 5, page 3, by deleting "*4.*" and inserting "*3.*".

Amend sec. 5, page 3, after line 4, by inserting:

"*4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in his professional capacity. The term does not include the payment of:*

*(a) The actual and necessary costs incurred by the public officer or public employee, his spouse or his aid for transportation and for lodging and meals while he is away from his residence.*

*(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of his employment or profession.*

*(c) A fee to a legislator for a speech related to his profession or occupation outside of his legislative service if:*

*(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and*

*(2) The fee paid to the legislator is approximately the same as the fee that would be paid to a nonlegislator whose qualifications are similar to those of the legislator for a comparable speech.*

*(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 481.

Bill read second time.

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

Amendment No. 749.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, pages 1 and 2, by deleting lines 24 and 25 on page 1 and lines 1 through 9 on page 2 and inserting: "agreement, the seller shall, by separate written document, disclose to him [the] *:*

*(a) If the residence is located in a county whose population is 400,000 or more, each easement, zoning designation and other authorization for the use of an adjoining parcel of land that may affect the use or enjoyment of the land that is being purchased, including, but not limited to:*

*(1) The zoning designations adopted pursuant to chapter 278 of NRS;*

*(2) Easements and other authorizations granted to public utilities;*

*(3) Easements and other authorizations granted for drainage; and*

*(4) Easements and other authorizations granted for access, including any paved or unpaved roads that are designated for use by motor carriers or vehicles used in construction.*

*(b) If the residence is located in a county whose population is less than 400,000, the* zoning designations adopted pursuant to chapter 278 of NRS for the adjoining parcels of land.".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill, first and second lines, by deleting: "requiring uniformity of terminology for zoning designations within each county;".

Amend the summary of the bill to read as follows:

"Summary—Requires certain sellers of land to disclose additional easements and other authorizations affecting adjoining parcel of land. (BDR 22-1551)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 785.

Amend section 1, page 1, line 2, by deleting "$36,000" and inserting "$15,479".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 786.

Amend sec. 2, page 2, between lines 25 and 26 by inserting:

"*3. The provisions of this section do not apply to an officer or employee of the legislative branch of government, except an officer or employee of the legislative library.*".

Amend sec. 3, page 2, line 31, by deleting "sonnel" and inserting: "sonnel, the director of the legislative counsel bureau".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 611.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 776.

Amend section 1, page 2, line 15, by deleting "*or*" and inserting "*on*".

Amend section 1, page 2, line 17, by deleting "*another person*" and inserting: "*the underinsured motorist*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 629.

Bill read second time.

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

Amendment No. 718.

Amend section 1, page 1, by deleting lines 10 through 18.

Amend section 1, page 1, line 19, by deleting "*4.*" and inserting "2.".

Amend section 1, page 1, line 22, by deleting "[3.] *5.*" and inserting "3.".

Amend section 1, page 1, after line 24, by inserting:

"*4. A nonprofit corporation whose officers do not receive pay for services performed may elect to reject coverage for their current officers and all future officers who do not receive pay by filing written notice thereof with the corporation and the system. The rejection is effective upon receipt of the notice by the system.*

*5. A nonprofit corporation which has rejected coverage for its officers who do not receive pay may rescind that rejection by filing written notice thereof with the corporation and the system. The rescission is effective upon receipt of the notice by the system.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 631.

Bill read second time.

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

Amendment No. 802.

Amend section 1, page 1, line 2, by deleting "2, 3 and 4" and inserting: "2 to 4.5, inclusive,".

Amend sec. 3, page 2, line 3, by deleting "*chapter,*" and inserting: "*chapter and the conditions of paragraph (a) or (b), or both, of subsection 2 of section 2 of this act are satisfied,*".

Amend sec. 3, page 2, line 4, after "*adopted*" by inserting "*or amended*".

Amend sec. 4, page 2, line 15, by deleting "*chapter,*" and inserting: "*chapter and the conditions of paragraph (a) or (b), or both, of subsection 2 of section 2 of this act are satisfied,*".

Amend the bill as a whole by adding a new section designated section 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *1. The governing body of each municipality which creates an improvement district may establish a procedure to allow a person whose property will be included within the boundaries of the district to apply for a hardship determination.*

*2. The procedure must include the referral of applications to an appropriate social services agency within the local government for evaluation. The agency shall consider each application on the basis of ability to pay the assessments attributable to the applicant's property and render a recommendation of approval or disapproval to the governing body.*

*3. The procedure must include a requirement for renewal of the hardship determination as often as the governing body deems necessary. An application for the renewal of a hardship determination must be treated in a manner that is similar to the evaluation and approval required for an initial determination.*".

Amend sec. 7, page 4, line 23, after "(i)" by inserting: "*That pursuant to section 2 of this act, if a majority of the property owners to be assessed for a project proposed by a governing body, object in writing within the time stated in paragraph (h), the project must not be acquired or improved unless:*

*(1) The municipality pays one-half or more of the total cost of the project, other than a park project, with money derived from other than the levy or assessments; or*

*(2) The project constitutes not more than 1,320 feet, including intersections, remaining unimproved in any street, including an alley, between improvements already made to the same street or between improvements already made to intersecting streets.*

*(j)*".

Amend sec. 7, page 4, line 26, by deleting: "(j) [That unless]" and inserting: "[(j) That unless]

*(k)*".

Amend sec. 7, page 5, line 8, by deleting "*(k)*" and inserting "*(l)*".

Amend sec. 11, page 8, line 43, after "*adopted*" by inserting "*or amended*".

Amend sec. 12, page 8, line 48, by deleting: "body [, resolution,]" and inserting: "body, by resolution [,] *or by a document prepared by the engineer and ratified by the governing body,*".

Amend sec. 12, page 9, line 1, by deleting "*by resolution*".

Amend sec. 12, page 9, line 10, after "resolution" by inserting: "*or ratified document*".

Amend sec. 13, page 9, line 17, after "3." by inserting: "*Before ordering the engineer to make out an assessment roll or ratifying his roll already made, the governing body shall consider all applications for hardship*

*determinations and the recommendations made by the social services agency and make a final decision on each application. The governing body shall direct the engineer to postpone the assessments on property for which a hardship determination has been finally approved. A property owner whose hardship determination is approved shall pay interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided by the governing body. The assessment must remain postponed until the earlier of the following occurrences:*

*(a) The property is sold or transferred to a person other than one to whom a hardship determination has been granted;*

*(b) The term of the bonds expires;*

*(c) The property owner's application for renewal of the hardship determination is disapproved;*

*(d) The property owner fails to pay the interest on the unpaid balance of assessments in a timely manner; or*

*(e) The property owner pays all previous and current assessments.*

*4. A property owner may pay all previous and current assessments at any time before they become due without penalty.*

*5. The governing body shall not sell bonds on the basis of the assessments for which hardship determinations have been approved. A special fund for the payment of the costs of the project assessed against property for which hardship determinations have been made must be created. The fund must be reimbursed when the balance of unpaid assessments are paid, including all interest paid during the period of postponement. The surplus and deficiency fund established pursuant to NRS 271.428 may be used as the special fund.*

*6.*".

Amend sec. 14, page 10, line 15, after "*adopted*" by inserting "*or amended*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 646.

Bill read second time.

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

Amendment No. 738.

Amend sec. 2, page 2, line 1, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 6, page 3, line 1, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 12, page 4, line 23, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 13, page 4, line 35, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 17, page 6, line 29, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 24, page 10, line 23, by deleting "*any*" and inserting: "*one or more*".

Amend sec. 24, page 10, by deleting lines 32 through 43 and inserting:

"[2.] *(b)* Any restaurant, *bar,* cafeteria, lunchroom, lunch counter, soda fountain, casino or any *other* facility where *food or* spirituous or malt liquors are sold, including any such facility located on the premises of any retail establishment;

[3.] *(c)* Any gasoline station;

[4.] *(d)* Any motion picture house, theater, concert hall, sports arena [, stadium] or other place of exhibition or entertainment;

[5.] *(e) Any auditorium, convention center, lecture hall, stadium or other place of public gathering;*

*(f) Any bakery, grocery store, clothing store, hardware store, shopping center or other sales or rental establishment;*

*(g) Any laundromat, dry cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, office of an accountant or lawyer, pharmacy, insurance office, office of a provider of health care, hospital or other service establishment;*

*(h) Any terminal, depot or other station used for specified public transportation;*

*(i) Any museum, library, gallery or other place of public display or collection;*

*(j) Any park, zoo, amusement park or other place of recreation;*

*(k) Any nursery, private school or university or other place of education;*

*(l) Any day care center, senior citizen center, homeless shelter, food bank, adoption agency or other social service establishment;*

*(m) Any gymnasium, health spa, bowling alley, golf course or other place of exercise or recreation;*

*(n)* Any *other* establishment or [other] place to which the public is invited or which is intended for public use; and

[6.] *(o)* Any establishment physically containing or contained within any of the establishments described in [subsections 1 to 5,] *paragraphs (a) to (n),* inclusive, which holds itself out as serving patrons of [such] *the* described establishment.".

Amend the title of the bill, fourth line, after "accommodations;" by inserting: "conforming the definition of "public accommodations" to analogous federal law;".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 680.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 30.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 387.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 4, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.*

*2. Every candidate for state, district, county, city or township office at a primary, general or special election who received contributions that were not spent or committed for expenditure as a result of the campaign within 60 days after the election shall:*

*(a) Return the unspent money to contributors, on a pro rata basis if practicable;*

*(b) Donate the money to the general fund of the state, county or city;*

*(c) Designate and reserve a specific amount of the money for the payment of expenses directly related to his public office other than campaigning; or*

*(d) Dispose of the money in any combination of the methods provided in paragraph (a), (b) or (c).*

*Any other disposition of the money is prohibited.*

*3. A candidate who willfully violates the provisions of this section is guilty of a misdemeanor.*

Sec. 3. *1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, within 100 days after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend, and the disposition of those unspent contributions.*

*2. Each public officer who is elected to a state, district, county, city or township office shall file a report with the secretary of state:*

*(a) Within 100 days after his election, stating the amount of campaign contributions which he received but did not spend, and the amount, if any, of those unspent contributions disposed of pursuant to paragraph (a) or (b) of subsection 2 of section 2 of this act;*

*(b) During December of each year of his term after the year in which he was elected, stating the amount, if any, of those unspent contributions disposed of pursuant to section 2 of this act during the period since his last report and the manner in which they were disposed of; and*

*(c) Within 100 days after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.*

*3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.*

*4. Except as otherwise provided in this section, any person who willfully violates any provision of this section is guilty of a misdemeanor.*

Sec. 4. NRS 294A.080 is hereby amended to read as follows:

294A.080 If it appears that the provisions of NRS 294A.010, 294A.015, 294A.020, 294A.035, 294A.041, 294A.055 or 294A.056 *or section 2 or 3 of this act* have been violated:

1. The secretary of state shall report the alleged violation to the attorney general; and

2. A county or city clerk shall report the alleged violation to the appropriate district attorney,

and the attorney general or district attorney to whom the report is made shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 813.

Amend sec. 7, page 2, between lines 18 and 19, by inserting:

"*4. The state board of health shall grant such certification, without examination, to an applicant who holds current certification by the California/Nevada section of the American Water Works Association.*".

Amend sec. 8, page 2, by deleting lines 20 through 23 and inserting:

"445.363 As used in NRS 445.361 to 445.399, inclusive, *sections 3 to 7 inclusive, of this act,* and sections 2 to 9, inclusive, of [this act,] *Senate Bill No. 172 of this session,* unless the context otherwise requires, the terms defined in NRS 445.366 to 445.377, inclusive, *section 3 of this act,* and section 2 of [this act] *Senate Bill No. 172 of this session* have the meanings ascribed to them in those sections.".

Amend sec. 9, page 2, by deleting lines 25 through 34 and inserting:

"445.381 [The] *In addition to the regulations required to be adopted pursuant to section 7 of this act, the* state board of health:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.

2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water, but the regulations do not supersede any regulation of the public service commission of Nevada.

3. May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by a health authority.".

Amend sec. 10, page 2, by deleting lines 37 through 40 and inserting:

"(a) Enforce the provisions of NRS 445.361 to 445.399, inclusive, *sections 3 to 7, inclusive, of this act,* sections 2 to 9, inclusive, of [this act,] *Senate Bill No. 172 of this session,* and regulations adopted pursuant thereto; and

(b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.".

Amend sec. 11, page 3, by deleting lines 3 and 4 and inserting: "violates the provisions of NRS 445.361 to 445.399, inclusive, *sections 3 to 7, inclusive, of this act,* sections 2 to 9, inclusive, of [this act,] *Senate Bill No. 172 of this session,* or of any regulation adopted or order issued pursuant".

Amend sec. 12, page 3, by deleting line 21 and inserting: "inclusive, *sections 3 to 7, inclusive, of this act,* and sections 2 to 9, inclusive, of [this act.] *Senate Bill No. 172 of this session.*".

Amend sec. 13, page 3, by deleting line 24 and inserting: "445.399, inclusive, *sections 3 to 7, inclusive, of this act,* sections 2 to 9, inclusive, of [this act,] *Senate Bill No. 172 of this session,* or any regulation".

Amend sec. 14, page 3, by deleting lines 34 through 36 and inserting:

"1. For the period that the operator remains employed in that position.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 192 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 681.

Amend section 1, page 1, line 7, after the bracket by inserting: "*The term does not include a forensic laboratory operated by a law enforcement agency.*".

Amend the title of the bill, second line, after "include" by inserting "certain".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 779—An Act relating to criminal offenders; providing for programs of intensive supervision by the department of parole and probation of parolees and certain offenders granted probation; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 112, 228, 256, 280, 309, 354, 366, 370, 422, 522.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Helen Parsons, Ms. Alice Dray Parsons, Mr. Edward Parsons, Jr., Mr. Charles McGinley, III, Mrs. Sharon Payne-Parsons, Ms. Elizabeth Tobin, Mrs. Kimberly Mills and Mr. Parker Mills.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ginney Young, Shaun Finnigan, Celeste Bergin, Alice Blalock, Mr. Lewis Young and the following students from Reed High School, Sparks: Aaron Halfacre, April Kern, Jason Steuernagel, Heidi Bischler, Seth Bunin, Rosemarie Burgos, Lori Dickerson, Kristen Edgington, Kevin Eikleberry, Patrick Flury, Philip Glover, Aimee Harger, Rena Hauck/Christense, Kristin Henkes, Shannon Higgins, Robert Larson, Kyle Markham, Jennifer Miller, Roderick Procter, Jason Saville, Kristi Stein, Robert Stokich, Mary Abraham, Tonia Brown, Kaho Chan, Michael Fackelmann, Matthew Furner, Matthew Golish, Laura Gonsalves, Jason Houston, Kerstan Hubbs, Pauline Lee, Sara Litzsinger, Sean Mullen, Elaina Sprague, Anthony Townsell, Thanh Truong, Ann Berg, Catherine Burton, Lang Cao, Amy Carlson, Alexander Clark, Paul Clark, Steven Denney, Michael Foote, Tammy Freestone, Cathryn Gascue, Lisa Gering, Sten Hallock, Richard Hollis, Ronald Papka, Andrew Piwonski, Amy Sniffin, Michael Wadsworth, Patrick Welsh, Merrie Geraghty, Bill Lantz, Eddie Murter, Mike Murphy, Cissy George, Eddie Woodward and Maxine Smith.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jarrod Allison and Rick Davis.

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Christiana Bratiotis and Marian Uhart.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jean Blaine and Peper Quirion.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Wayne Young and Ms. Jennifer Langs.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jennifer Frankovich, Heidi Arbogast and Amy Meuth.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Crystal Vladmir and Keri Weyl.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 24, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:00 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-FOURTH DAY

CARSON CITY (Friday), May 24, 1991

Assembly called to order at 10:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Bergevin, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our great God and Masterful Creator, things have been so hectic. Nerves have been on edge. Paperwork seems to have no end. This morning we take time to just be still and know that You are God. Thank You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 517 be re-referred to the Committee on Ways and Means.

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 81, 84.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 120, 499, 564.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 150, 152, 464, 503, 544.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 360.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 196.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache:

Assembly Bill No. 780—An Act relating to public records; prohibiting a state agency from selling certain lists compiled from information contained in its records to any person for a commercial purpose; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bache and Haller:

Assembly Bill No. 781—An Act relating to education; requiring the reduction of the size of classes in certain higher grades; increasing the scope of mandatory bargaining to include school safety and the discipline of pupils; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 782—An Act relating to county fair and recreation boards; increasing the membership of the county fair and recreation board in certain counties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 120.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 150.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 152.

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

Motion carried.

Senate Bill No. 464.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 499.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 503.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

Senate Bill No. 544.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 564.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 439 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:49 a.m.

## ASSEMBLY IN SESSION

At 11:24 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 619, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Concurrent Resolution No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Humke, McGaughey, Myrna Williams, Haller, Kerns, Spitler, Little, Wendell Williams, Gibbons, Stout, Wong, Dini, Bergevin, Johnson, Price, Arberry, Sader, Giunchigliani, Evans, Krenzer, Garner, Bennett, Carpenter, Freeman, Lambert, Elliott, Bayley, Spriggs, Norton, Goetting, Heller, Petrak, Pettyjohn, Marvel, McGinness, Anderson, Porter, Bache, Scherer, Hardy, Callister and Gregory:

Assembly Concurrent Resolution No. 86—Congratulating John P. Chisholm on being selected as the 1991 Nevada Inventor of the Year and being inducted into the Nevada Inventors' Hall of Fame.

WHEREAS, It is with appreciation and respect that the members of the Nevada Legislature recognize and honor Mr. John P. Chisholm as the 1991 Nevada Inventor of the Year on behalf of the Nevada Innovation, Technology and Entrepreneur Council; and

WHEREAS, Innovation and technology are of utmost importance in this state in stimulating economic growth, encouraging economic diversification and increasing employment in Nevada; and

WHEREAS, Mr. Chisholm, a Nevada resident, is presently technical consultant to the Sierra Nevada Corporation, where he has been employed as Chief Scientist since 1984; and

WHEREAS, Mr. Chisholm has contributed significantly to the technical innovation of aircraft landing systems, such as the Microwave Landing System (MLS), and the current United States Navy's "Hands-Off" Automatic Carrier Landing System; and

WHEREAS, Mr. Chisholm received his Master of Science degree in 1947, while concurrently an instructor at M.I.T. in Electrical Engineering, Radar School and the Electronic Research Laboratory; and

WHEREAS, Mr. Chisholm was associated with the Desert Research Institute of the University of Nevada System as a professor of research, for 20 years, from 1963 to 1983; and

WHEREAS, Mr. Chisholm has been awarded numerous patents in the fields of Microwave Aircraft Landing Systems, Precision Aircraft Navigational Systems, Emergency Locating Systems, Collision Avoidance Systems for both civilian and military applications of international magnitude; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby congratulate Mr. John P. Chisholm on being selected as the 1991 Nevada Inventor of the Year and for being inducted into the Nevada Inventors Hall of Fame; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. John P. Chisholm.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblyman Humke.

Resolution adopted unanimously.

Assemblyman Humke moved that all rules be suspended and that Assembly Concurrent Resolution No. 86 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Arberry moved that Assembly Bill No. 619 be re-referred to the Committee on Ways and Means.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 52.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 38.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

Senate Concurrent Resolution No. 52.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblymen Sader, Kerns, Humke and Mr. Speaker.

Resolution adopted unanimously.

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

Assembly in recess at 11:40 a.m.

## ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 783—An Act relating to telephone sales solicitations; requiring a person who provides consulting services to a business engaged in making such solicitations to be licensed by the consumer affairs division of the department of commerce; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Concurrent Resolution No. 87—Directing the Legislative Commission to conduct an interim study of the feasibility and the desirability of lengthening the school year.

Assemblyman Wendell Williams moved that the resolution be referred to the Concurrent Committees on Education and Legislative Functions and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 32:

YEAS—40.

NAYS—Pettyjohn.

Absent—Bergevin.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 252:

YEAS—40.

NAYS—Price.

Absent—Bergevin.

Assembly Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 350:

YEAS—38.

NAYS—Carpenter, Lambert, Spriggs—3.

Absent—Bergevin.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblymen Anderson, Porter, Sader, Freeman, Norton, Price and Myrna Williams.

Roll call on Assembly Bill No. 483:

YEAS—36.

NAYS—Arberry, Porter, Price, Myrna Williams, Wendell Williams—5.

Absent—Bergevin.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 584:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 584 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 636.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 636:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 636 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

Bill read third time.

Remarks by Assemblymen Haller and Gibbons.

Roll call on Assembly Bill No. 637:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 655.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 655:

YEAS—38.

NAYS—Johnson, Porter, Myrna Williams—3.

Absent—Bergevin.

Assembly Bill No. 655 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 680.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 853.

Amend section 1, page 1, between lines 8 and 9 by inserting: "*The commissioner shall, by regulation, define the terms "unsuitable person" and "unsuitable manner" for use in carrying out the provisions of this section and NRS 679B.310 and 680A.200.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Joint Resolution No. 30.

Resolution read third time.

Remarks by Assemblyman Little.

Roll call on Assembly Joint Resolution No. 30:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Joint Resolution No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 32, 252, 350, 483, 584, 636, 637, 655 and Assembly Joint Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 568 and Senate Bill No. 313 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 205, 308, 355, 382, 442, 471 and Senate Joint Resolution No. 2 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 320 and Senate Bill No. 192 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 12:26 p.m.

## ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker presiding.

Quorum present.

### SECOND READING AND AMENDMENT

Assembly Bill No. 568.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 834.

Amend sec. 2, page 1, by deleting lines 6 through 11 and inserting: "taxes for the sale a fee of $1 per tire.

2. The seller shall account separately for all money".

Amend sec. 6, page 3, by deleting lines 22 through 24.

Amend sec. 6, page 3, line 25, by deleting "(c)" and inserting "(b)".

Amend sec. 6, page 3, line 38, by deleting "(d)" and inserting "(c)".

Amend sec. 6, page 3, line 43, by deleting "(e)" and inserting "(d)".

Amend sec. 6, page 3, line 44, by deleting "composting" and inserting: "residents to compost yard waste".

Amend sec. 6, page 3, line 46, by deleting "(f)" and inserting "(e)".

Amend sec. 6, page 4, line 4, by deleting "(g)" and inserting "(f)".

Amend sec. 6, page 4, by deleting lines 9 and 10.

Amend sec. 6, page 4, line 11, by deleting "(i)" and inserting "(g)".

Amend sec. 7, page 4, by deleting lines 35 through 37 and inserting: "provided, the county or health district shall make use of the existing

services. If these services are not otherwise provided, the county or health district shall encourage the development of private sources for these services.".

Amend sec. 10, page 5, by deleting lines 30 through 32 and inserting:

"Sec. 10. Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 10.3 and 10.5 of this act.

Sec. 10.3 *1. It is unlawful willfully to:*".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. *1. From the time recyclable materials are placed in a container provided by a private recycling business or the person designated by the county or other municipality to collect recyclable materials:*

*(a) At curbside for collection; or*

*(b) At any other appropriate site designated for collection,*

*the recyclable materials are the property of the private recycling business or person designated by the county or other municipality to collect them, as appropriate.*

*2. Any person engaged in the unauthorized collection of recyclable materials is guilty of a misdemeanor. Each such unauthorized collection constitutes a separate and distinct offense.*

*3. As an alternative to the criminal penalty set forth in subsection 2, the county or other municipality, the private recycling business and the person designated to collect the recyclable materials may independently enforce the provisions of this section in a civil action. A person who engages in the unauthorized collection of recyclable materials is liable to the private recycling business or the person designated to make such collections, as appropriate, for three times the damages caused by the unauthorized collection.*".

Amend sec. 11, page 6, line 9, by deleting "*section 10*" and inserting: "*sections 10.3 and 10.5*".

Amend sec. 12, page 6, by deleting lines 19 through 24.

Amend sec. 12, page 6, line 25, by deleting "*3.*" and inserting "*2.*".

Amend sec. 13, page 6, line 42, by deleting "Ownership" and inserting: "[Ownership] *Except as otherwise provided in section 10.5 of this act, ownership*".

Amend sec. 14, page 7, line 28, by deleting "*10*" and inserting "*10.3*".

Amend sec. 15, pages 7 and 8, by deleting lines 45 through 48 on page 7 and lines 1 through 8 on page 8 and inserting:

"332.065 1. When a governing body or its authorized representative has advertised for or requested bids in letting a contract, the award must , *except as otherwise provided in subsection 2,* be made to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder must be judged on the basis of price, conformance to specifications, bidders' qualifications including the bidders' past performance in such matters, quality and utility of services, supplies, materials or equipment offered and their adaptability to the required purpose and in the best interest of the public, each of the factors being considered.

2. *The governing body may give preference to the purchase of recycled products if the product costs no more than 5 percent more than a comparable nonrecycled product.*

*3.* If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he does not supply goods or services in accordance with the bid specifications, or if he repudiates the contract, the governing body of any hospital may reaward the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Reawarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.".

Amend sec. 18, page 8, by deleting lines 27 through 30.

Amend sec. 18, page 8, line 31, by deleting "*2.*" and inserting: "Sec. 18. *1.*".

Amend sec. 18, page 8, line 39, by deleting "*3.*" and inserting "*2.*".

Amend sec. 18, page 8, line 45, by deleting "*4.*" and inserting "*3.*".

Amend sec. 18, page 9, line 5, by deleting "*5.*" and inserting "*4.*".

Amend the bill as a whole by deleting sec. 23 and renumbering sec. 24 as sec. 23.

Amend sec. 24, page 11, by deleting lines 13 through 17 and inserting:

"Sec. 23. Section 15 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, eighth line, by deleting: "making an appropriation;"

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 852.

Amend section 1, page 1, line 8, by deleting the period and inserting: "*or a forensic laboratory under contract with a law enforcement agency to provide such examinations.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 165, 438; Senate Bills Nos. 39, 196, 360; Assembly Concurrent Resolution No. 82; Senate Concurrent Resolution No. 50.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Riley Beckett.

On request of Assemblyman Goetting, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Thomas Cirafici.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Frane and Mike Nielsen.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John Chisholm and Donald Costar.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dee McGinness, Chris Grant, Bobby Levie, Mss. Janet Basso, Lynn Bernd, Paula Jones, Trudy Quon, Paula Paice, Connie DeLeon, Virginia Goodard, Messrs. Ross Sanborn, John Thiel, Mark Dolezal and the following students from White Pine Middle School, Ely: Brian Adams, Tracy Bayles, Mike Bernal, Kerry Bernd, Brooke Bettridge, Sara Bingham, Shelly Bird, Mandy Bohrn, Kori Ann Busby, Tanya Bybee, John Cessord, Adam Cornutt, Rachel Dalley, Zoe Davidson, Amy Davis, Cassie Davis, Josh DeLeon, Phillip Dodge, Ember Erickson, Bridget Fay, Mike Feheley, Tammie Fordham, Jason Gipson, Cassey Green, Richard Griffith, Kim Hall, Keern Haslem, Jodie Hernandez, Jacque Jensen, Casey Jones, Lara Kalleras, Desarae Leander, Joshua Lewis, Danny Linnell, Luana Maestas, Angela Maestes, Mandy Marques, Kari McLaren, Jodi McShane, Amy Mellos, Brian Mitchell, Jodie Napier, Sheldon Nicholes, Jenny Olsen, Joey Overson, Haylee Paice, Mike Papez, Michael Porter, Khrystal Quon, Jamie Reed, Lindy Rickenbrode, Robert Robison, Judy Rowley, Slade Sanborn, Katie Sanders, Many Ann Schauerhamer, Jenny Sena, Taffy Smart, Rachael Smith, Lorena Sorenson, Nikkie Steinhoff, Matt Stratton, Joy Swenson, Bill Thiel, Dennette Thornock, Alexis Trimble, Andy Vera, Sarah Walker and Shannon Wheeler.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Lillian Frankovich, Mr. Sam Frankovich, Mrs. Diana Frankovich, Ms. Cynthia Frankovich and Mr. Jeff Frankovich.

Assemblyman Porter moved that the Assembly adjourn until Saturday, May 25, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 12:48 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-FIFTH DAY

CARSON CITY (Saturday), May 25, 1991

Assembly called to order at 8:13 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Our Father in Heaven, we celebrate this weekend as a memorial to our brave men and women who gave their lives for us to have freedom in this great nation. We thank You for this freedom and for these brave ones willing to give their all. We, too, are willing to give our all for the well-being of this great state and people.

Thank You for helping our trusted lawmakers to give of their best as they serve us here in this chamber. Grant their every need of wisdom and knowledge to know how to use that wisdom for without You, we can do nothing.

All good things have their origin in You and all of our good comes from You. For this we are thankful and expectant. May this day be the greatest day of our lives. Yesterday is gone, tomorrow has not come as yet. We only have today and help us make it what it ought to be. In Your holy name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 709, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 398, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 51, 54, 77, 86.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 589.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 305, 446.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 305.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 446.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 589.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 630 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Myrna Williams moved that Assembly Bill No. 271 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:23 a.m.

## ASSEMBLY IN SESSION

At 8:30 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Myrna Williams withdrew her motion.

Assemblyman Myrna Williams moved that Assembly Bill No. 271 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Myrna Williams.

Motion lost.

Assemblyman Arberry moved that Senate Bill No. 313 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 417 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Goetting moved that Assembly Bill No. 587 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 590, 744, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 89.

Bill read third time.

Remarks by Assemblymen Elliott and Haller.

Roll call on Assembly Bill No. 89:

YEAS—38.

NAYS—Haller, Johnson, Price, Wendell Williams—4.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Remarks by Assemblymen Bennett, Wong, Stout, Callister, Arberry and Garner.

Roll call on Assembly Bill No. 248:

YEAS—31.

NAYS—Bayley, Hardy, Humke, Kerns, Little, McGinness, Pettyjohn, Sader, Spriggs, Stout, Wong—11.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

The following amendment was proposed by Assemblyman Myrna Williams:

Amendment No. 879.

Amend section 1, page 1, by deleting lines 3 through 16 and inserting:

"*1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay to the department a fee of $60 per ton of the volume received for the disposal of hazardous waste by the facility, of which:*

*(a) An amount equal to $4.50 per ton of the volume so received must be accounted for separately and used to offset partially the cost incurred by the state fire marshal for training emergency personnel who respond to the scene of accidents involving hazardous materials.*

*(b) An amount equal to $1.50 per ton of the volume so received must be accounted for separately and used to offset partially the cost incurred by the public service commission of Nevada for inspecting and otherwise ensuring the safety of any shipment of hazardous materials transported by rail car through or within this state.*

*2. The operator of such a facility shall pay the fee provided in this*".

Amend sec. 5, page 2, line 47, by deleting: "*of the fees*" and inserting: "*portion of the fee*".

Amend sec. 7, page 4, line 14, by deleting "2" and inserting "1".

Amend the title of the bill, first line, by deleting "fees" and inserting "a fee".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams, Spriggs, Goetting, Giunchigliani, Bayley, Krenzer and McGaughey.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. In essence, my only problem with this bill and the only thing the amendment addresses is the total cost per ton. Too long has Nevada been advertised nationally, as Senator Bryan said, "location, location, location." We have become in real estate terms and legal terms an attractive nuisance in the United States. We allow everybody's garbage, everybody's junk, everybody's hazardous waste, everybody's toxic waste in here at a price so low that what we're saying to them is, "Come here, come here, come here." I think the time has come for us to stop speaking from both sides of our mouths. If we don't want it, we should charge at least the same amount of money as the other states charge. If we do want it, let's be honest about it. I will stand on this amendment which puts us in line with the other western states who have raised their price

to a point that they know it won't stay in their state. They know it's good for them to send it to Nevada. So, I will stand on this amendment and support this amendment. Without this amendment, I cannot support this bill.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I rise in opposition to the amendment. A fee of $60 will put the disposal site at Beatty out of business. It's the only site we have in the State of Nevada to receive Nevada's hazardous waste. I don't think it's right that we put that one site out of business. The fee of $60 per ton will put them out of business, and we can't do that directly through legislation because we have an interstate compact that has to be honored. I don't believe this is the way we should do business in the State of Nevada.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. I rise in opposition to the amendment. Nevada generators of hazardous waste are currently charged $10 per ton to deposit their waste. The Beatty dump site is run by U.S. Ecology. If the fees were increased to $60 per ton it would represent a six-fold increase to our state's generators which, by the way, account for 12 percent of the waste that is dumped there.

Hazardous waste is defined as anything that is hazardous to one's health or the environment. It's a fact of life that many of the by-products generated by industry are recognized as hazardous waste. Nevada should not be viewed as the dumping ground of any state's hazardous waste while at the same time we need to be responsible to our industry's needs. If fees were raised to $60 per ton, U.S. Ecology would have to close its doors leaving Nevada's generators looking to other states to dump this waste. In the end as always, the consumer ends up paying for the extremely high increase in fees. The $60 fee would also jeopardize the funding of not only the training of emergency personnel who respond to emergencies involving hazardous materials, but the funding for training volunteer firefighters throughout our state. The fee increase in A.B. No. 271 would offset the fact that the federal government discontinued the federal grants which provided training for volunteer fire departments. Nevada will continue to have emergencies involving hazardous materials whether U.S. Ecology operates a facility in Beatty or not. However, Nevada will not have the funding to provide for training if this amendment passes. I strongly urge my colleagues to defeat this amendment.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of Amendment No. 879 to A.B. No. 271. First of all, I would like to point out the amendment still allows for the earmarking of training for firefighters. This amendment simply changes the fee. Eighty-eight percent of the waste that comes into this state is from out of state. Only 12 percent is generated from in-state. I see this amendment as a disincentive rather than setting up an incentive, and I don't believe California would stop sending its waste in here because of a $60 per ton fee charge. I would urge your adoption and support of Amendment No. 879.

ASSEMBLYMAN BAYLEY:

Thank you, Mr. Speaker. To you and through you to this honorable body, I rise to speak against the amendment. I'm on the committee that heard this for months. I believe this amendment would have the effect of destroying the company. If it did that, all the hazardous waste we have will travel even more miles on its way to Utah or Arizona. We won't have the dollars to take care of that or address any emergencies because we will be closing the company. It doesn't matter that the amendment leaves the $4.50 in, if there's no company—there are no dollars to address the matter. So now we have hazardous waste travelling even more miles and we don't have the money to address it. We'll be stuck with the costly maintenance of the project which U.S. Ecology has a fund for that will in turn come over to us—that is a big budget item which will cost a lot of money. Then, we take away a livelihood from our rural communities. Clark County will have to further subsidize because of something we've done to a rural community—take away their livelihood. The real problem of hazardous waste will increase which is illegal dumping as the fees increase, as we make it harder for small business. They're the ones that trespass.

It's not right. It's wrong. It's horrible, but if we make it harder and more burdensome for them to get rid of hazardous waste, that's when it ends up in our deserts. That's when it ends up in the toilets. That's when it ends up outside, and that's exactly what will happen.

Also, this is an improper way for a state to deal with industry. I don't think it's right for Nevada to get the reputation for dealing this way with its industry. Also, U.S. Ecology takes care of the waste. They do a good job. It doesn't harm our environment. They are very good at what they do. I think we should act honorably in this matter. Thank you.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. I rise in support of the amendment. I, too, am on the committee. Our committee heard no evidence from U.S. Ecology that it would present any financial hardship. They have presented no documentation, and I suggest that it's hearsay from the company. I don't doubt that this may impact their profits, but I would urge us to state a policy for the State of Nevada which discourages attracting or encouraging a business that makes a profit from having hazardous waste come into this state. I suggest that the health and welfare of the people of Nevada is more important than perhaps a temporary setback in the escalating profits and the escalating income generated to this company. Also, it may be only a temporary condition because our sister states, no doubt, will raise their fees which will also make our fee competitive. I urge you to support the amendment to A.B. No. 271 and not be swayed by what, at this point, is just gossip about the financial stability of a company.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I rise in opposition to the amendment. I think the Natural Resources, Agriculture and Mining Committee, ably chaired by Mrs. Freeman, did a very thorough job on this subject. There was a variety of bills in committee that were dealt with. At the end, this bill was deemed to be the best bill on the table. The administration supported this bill as it came out of committee. If there was a problem with those fees, why weren't those fees put into an amendment in committee for the entire committee to consider?

At this point in time, this bill will provide for funding for volunteer fire training and for railroad inspectors in this state that we need in hazardous waste. Sometimes if you raise fees too high, you will price that business and that area right out of business. Then, we won't have a dump, and if it's not convenient you'll find drums of toxic waste all over this state because they'll probably not want to take the time or the cost to ship them to Arizona, California or someplace else. I don't think that it's unfair or unreasonable for Nevada to maintain a low-level dump in this state for the benefit of Nevada businesses. I think this is a valuable area for that purpose even though most of it comes from other states. We don't have enough to generate for ourselves—we couldn't afford to pay for it alone. The import of other material helps to maintain the dump. If the dump is closed, then who is going to pay to keep that dump going. I think the State of Nevada would, with no income. We have a tremendous budget shortage and we're going to raise revenues. For something like that, the maintenance of those kinds of dumps or programs is very expensive. I wouldn't want to see Nevada's citizens pay more for something that is working pretty well the way it is, and these fees should be left the way the bill is. If not, go back to hearings and redo it, but I think the bill came out of committee in good shape. We should support the bill and defeat the amendment. Thank you.

Assemblymen Porter, Arberry and Evans moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 879 to Assembly Bill No. 271.

Assemblymen Freeman, Lambert and Giunchigliani requested a roll call on Assemblyman Myrna Williams' motion.

Roll call on Assemblyman Myrna Williams' motion:

YEAS—16.

NAYS—Anderson, Bayley, Bergevin, Carpenter, Elliott, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Johnson, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Petrak, Pettyjohn, Scherer, Spriggs, Stout, Wong, Mr. Speaker—25.

Not voting—Garner.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblymen Goetting, Price, Myrna Williams, Anderson, Sader, Johnson, Pettyjohn and Freeman.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. Assembly Bill No. 271 establishes fees to be paid by the operators or owners of hazardous waste management facilities in Nevada. It imposes a fee of $4.50 per ton on hazardous waste received by a Nevada facility, and $1.50 per ton for any hazardous materials transported by rail also to a waste processing or disposal facility in Nevada. The hazardous waste money collected along with supplement funds will be utilized for the State Fire Marshal to operate a training center for emergency response personnel who respond to hazardous waste-related accidents or incidents. The hazardous materials fee would also provide funds to be utilized by the Public Service Commission of Nevada to inspect train shipments of hazardous materials bound for disposal and treatment facilities in Nevada. The measure also provides for grants or other financial incentives for Nevada hazardous waste generators to encourage waste reduction through reuse and recycling programs. In addition, it authorizes the State Environmental Commission to waive all or part of the fees collected if the waste is generated by a state agency or is the result of a mandatory cleanup of a spill.

This legislation is requested to bolster Nevada's overall hazardous waste and hazardous materials management program. It does so by ensuring a steady source of funding for the training of hazardous emergency response personnel. It would assist local jurisdictions in Nevada in keeping pace with an ever-increasing demand for emergency response service. The Assembly Committee on Natural Resources, Agriculture and Mining recommends do pass on Assembly Bill No. 271.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to whoever—I'm not sure who would be answering the questions. I have several questions in my mind. One is, I was under the impression that we were in a bi-state compact whereby that site, at some point in time, would in fact be closed. I'd like to learn about that. I am also curious, I was under the impression—and it could be wrong—that the fees in our neighboring states, and California comes to mind where I presume most of the waste does in fact come from, was something like $200 a ton or some very high figure compared to here. That's number two question. Should I have these answered one at a time? I have about four questions. My third question is, and it raises something that was mentioned during the debate on the amendment, isn't there an amount of money from these fees that actually goes to a fund that is to provide for the care of the site, if and when it is closed? I remember, and I think I'm correct, that during the period of years when this was opened, years ago, there had been at least some controversy in the southern part of the state where the operator of our site, operating under another company name, had abandoned a site down south or something, as I recall. It left either the local people or the Feds or somebody with quite a problem to clean up. Now do we have money going into a fund to clean up?

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. To you and through you to my colleague from North Las Vegas, the bi-state agreement, to answer the first question, is on the low-level radioactive dump site, and that was with California. That doesn't affect the hazardous waste dump site.

Now the third question, are there fees that go to maintain the facility after it's closed? Yes, there are. I can't tell you exactly what percentage, but there is, I believe, $1.3 million in a fund that will maintain that facility as well as the super fund that will help clean up any spills throughout the state.

As far as California, I think that was your second question, what do they charge? They charge currently $105 per ton, but they also charge a $47.50 export fee on any waste that they ship out to any other state, including Nevada. Does that help clear it up? I believe all the other states around Nevada are the same, $20, which is what we currently charge, other than California.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Obviously I rise in opposition to this bill. One of the questions asked by my esteemed colleague from North Las Vegas was not answered, and that is on the closure of the low-level dump. I would say at this time that our concentration seems to be on money, not on the safety and welfare of the people. I would also say that for anyone to think that by raising the fees, people would stop sending their waste here is naive at best. Nobody wants it, that's why we've got it. It saddens me to think that I have to vote no on something that would have provided some funding for our fire marshal for training and for the Public Service Commission to deal with spills, but until we stop these open invitations which, in my mind, are again less than honest, then I have to vote no.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of A.B. No. 271 quite simply because it seems to me the committee spent a good deal of time listening to testimony on this as we heard when we were discussing the amendment. Every aspect of this has been worked out. Unfortunately, maybe not to everyone's liking, but to meet the vast majority of needs that we need right now to meet our own needs here in the State of Nevada.

It is unfortunate, indeed, that we may become the dumping site for other places. This bill is necessary, this bill has to come into place quite simply because the training aspects for the firemen and the railroads has to be there. Whether we like it or not, Nevada is on the main corridor and we're going to see this. We need to have this kind of training. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I voted in favor of the amendment to this bill, the unsuccessful amendment, but I will also be voting in favor of the bill because the bill at least raises the fees to some extent, and I think that is movement in the right direction. To defeat the bill would be to leave the fees at their current lower level, and I don't think that's a movement in the right direction.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I rise in support of this bill. While in committee, I voted for A.B. No. 75 which called for the higher fees. This bill is a good bill. The question of safety and the concern expressed by the citizens of this state is addressed in this bill by making available the training, the grants for remediation, and also in the area of being able to have funds for cleanup. Simply raising the fee to a much larger level and the presumption that the dump site would then be closed are, I think, the negative aspects of what was stated. We really would still continue to have dumping. So therefore, all we are doing is raising additional money and doing what we really wish to do, and that's having the safe transport, the protected transport, the monitoring, the regulations for oversight in both transportation and disposal. The concern that we have in the disposal and the transport is exposure to human contact. This bill will supply funds, it will be a net benefit. I do see need for expanding the fee structure at some future date, but this bill is a good bill.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 271, and I will just address one aspect of the bill and it concerns the question of the incentives and the disincentives, and it has to do with the overall nature of our ecology at the present time. You know, for many years now, people have been very lax in how they control the waste

materials and it's been spread throughout the deserts and the communities. If we raise the price of disposition of these materials too high, it will be a clear disincentive for people to go back and clean up the mess which has existed for maybe thirty or forty years. As a matter of fact, the state right now is in a lawsuit with a land development company in the Henderson area because of asbestos disposal in the area of the extension of the southern freeway. The people who have the responsibility for going back and cleaning up these several years of illegal disposal of this material will face a very serious disincentive to do this if the cost becomes too high. So I think we ought to do the kinds of things that will help the people go back and clean up the mess of the past thirty years.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I voted for A.B. No. 75 which would raise the fees, and I also voted for this bill. We have to do something about the importation of hazardous waste into our state. I tend to feel the state that generates it should take care of it. I don't like it coming into our borders any more than anybody else, but I do see this as a step in the right direction, as some of the others of you have pointed out so ably, for the training for firefighters who are fighting hazardous waste fires.

We heard in one of the other committees the need for railroad inspectors, and I think particularly in terms of hazardous waste moving across our state, we have to make sure that the rails are safe, the cars are safe, and that none of us suffer as as result of this. I will be supporting this bill because I think it is a step in the right direction.

Assemblymen Porter, Garner and Evans moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 271.

Roll call on Assembly Bill No. 271:

YEAS—40.

NAYS—Giunchigliani, Myrna Williams—2.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 344:

YEAS—42.

NAYS—None.

Assembly Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblymen Bennett, Scherer and Callister.

Roll call on Assembly Bill No. 481:

YEAS—41.

NAYS—Sader.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 536:

YEAS—42.

NAYS—None.

Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:21 a.m.

## ASSEMBLY IN SESSION

At 9:27 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 500, 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 759; Senate Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 533, 577.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 367.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 367.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 533.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 577.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblymen Johnson, Evans, Haller, Pettyjohn, Kerns and Freeman.

Assemblyman Humke moved that Assembly Bill No. 568 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Humke.

Motion carried.

Assembly Bill No. 576.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 576:

YEAS—37.

NAYS—Giunchigliani, Heller, Price, Myrna Williams, Wong—5.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 611.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 611:

YEAS—42.

NAYS—None.

Assembly Bill No. 611 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 629.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 629:

YEAS—42.

NAYS—None.

Assembly Bill No. 629 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 631.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 631:

YEAS—42.

NAYS—None.

Assembly Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 646.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 646:

YEAS—42.

NAYS—None.

Assembly Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 166.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 865.

Amend sec. 2, page 1, line 7, by deleting "*60*" and inserting "*65*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblymen Freeman and Carpenter.

Roll call on Senate Bill No. 171:

YEAS—39.

NAYS—Carpenter, Lambert, Spriggs—3.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 205.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 205:

YEAS—42.

NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Senate Bill No. 214:
YEAS—42.
NAYS—None.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 308.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Senate Bill No. 308:
YEAS—42.
NAYS—None.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 355.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Senate Bill No. 355:
YEAS—42.
NAYS—None.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 382.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 382:
YEAS—42.
NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.
Bill read third time.
The following amendment was proposed by Assemblyman Scherer:
Amendment No. 866.
Amend sec. 6, page 2, between lines 13 and 14, by inserting: "*If you wish to include this statement, you must INITIAL the statement in the box provided:*

*(If the statement reflects your desires, initial the box next to the statement.)*

*I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastro-intestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration. [.....]*".

Amend sec. 9, page 3, by deleting lines 3 through 5 and inserting: "*provider of health care to provide treatment for a patient's comfort or alleviation of pain.*

*3. Artificial nutrition and hydration by way of the gastro-intestinal tract shall be deemed a life-sustaining treatment and must be withheld or withdrawn from a qualified patient unless a different desire is expressed in writing by the patient. For a patient who has no effective declaration, artificial nutrition and hydration must not be withheld unless a different desire is expressed in writing by his authorized representative or the family member with the authority to consent or withhold consent.*

*4. Life-sustaining treatment must not be withheld or withdrawn pursuant*".

Amend sec. 19, page 6, between lines 11 and 12, by inserting:

"*If you wish to include this statement, you must INITIAL the statement in the box provided:*

*(If the statement reflects your desires, initial the box next to the statement.)*

*I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastro-intestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration. [.....]*".

Amend sec. 27, page 12, line 28, after "4." by inserting:

"*I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastro-intestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration. [.....]*

5.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Sader, Petrak and Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Senate Bill No. 471:

YEAS—41.

NAYS—None.

Not voting—Hardy.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Joint Resolution No. 2:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 519, 582, 590, 709, 744, 759; Senate Bills Nos. 259 and 506 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 495 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 630 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 660.

Amend sec. 5, page 1, by deleting lines 11 through 13 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 14, page 2, between lines 31 and 32, by inserting:

"4. A person who is employed by a hospital which is licensed pursuant to chapter 449 of NRS.

5. An advanced practitioner of nursing who is licensed pursuant to chapter 632 of NRS.

6. A physician's assistant who is licensed pursuant to chapter 630 of NRS.".

Amend sec. 26, page 4, by deleting lines 33 through 35 and inserting:

"(c) Radiation therapist; and

(d) Dental radiographer.".

Amend sec. 30, page 5, by deleting lines 33 through 46 and inserting:

"Sec. 30. (Deleted by amendment.)".

Amend sec. 52, page 10, line 32, by deleting: "'"diagnostic medical sonographer,"'".

Amend sec. 59, page 13, by deleting line 22 and inserting: "offender during a confession.".

Amend sec. 59, page 13, between lines 36 and 37, by inserting:

"(k) Every social worker.".

Amend the bill as a whole by adding a new section designated sec. 71, following sec. 70, to read as follows:

"Sec. 71. Section 59 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 582.

Bill read second time.

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

Amendment No. 808.

Amend section 1, page 1, lines 4 and 5, by deleting: "*180 days after the violation occurs or the claim accrues.*" and inserting: "*2 years after the employee ceases to be employed by the person against whom the claim is made.*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 590.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 884.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"(a) The chairman of the Nevada Humanities Committee or a member of the committee designated by him;

(b) The chairman of the Nevada state council on the arts or a member of the council designated by him;

(c) The chairman of the board of museums and history or a member of the board designated by him;

(d) The chairman of the advisory board for historic preservation and archeology or a member of the advisory board designated by him; and".

Amend section 1, page 1, line 15, by deleting "quarterly," and inserting "biannually,".

Amend section 1, page 1, by deleting lines 21 through 24 and inserting:

"4. The members of the commission are not entitled to be paid a salary or receive reimbursement for per diem or travel expenses.".

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

Amend sec. 2, page 2, by deleting lines 13 through 17 and inserting:

"(c) A detailed list of the initial projects to be undertaken.".

Amend sec. 3, page 2, between lines 40 and 41, by inserting:

"4. Give priority to projects of statewide historical, prehistorical or cultural significance which demonstrate an ability to raise and sustain required amounts of financial support from sources other than the State of Nevada, including donations of goods and services. The ability of a project to raise and sustain support must be weighed against the relative means and abilities of the applicants.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 709.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 886.

Amend sec. 3, page 1, by deleting lines 12 and 13, and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 11, page 3, line 19, after "inclusive," by inserting: "[and] sections 2 and 3 of [this act,] *Assembly Bill No. 549 of this session,*".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 11 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 744.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 782.

Amend sec. 2, page 1, line 25, by deleting "*10*" and inserting "*11*".

Amend sec. 2, page 1, line 26, by deleting "*7*" and inserting "*8*".

Amend sec. 2, page 2, line 16, by deleting "$2" and inserting "[$2] *$3*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 759.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 259.

Bill read second time and ordered to third reading.

Senate Bill No. 506.

Bill read second time and ordered to third reading.

Assembly Bill No. 630.

Bill read second time.

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

Amendment No. 864.

Amend the bill as a whole by deleting sections 1 through 7 and adding new sections designated sections 1 and 2, to read as follows:

"Section 1. NRS 616.555 is hereby amended to read as follows:

616.555 [Payments]

*1. The insurer shall notify a dependent of a deceased employee who is residing outside of the United States by certified mail at his last known address if compensation is due the decedent or beneficiary pursuant to this chapter. The dependent may request that payment be made directly to him within 90 calendar days after the notice was mailed. The insurer shall pay compensation which is due a beneficiary directly to the beneficiary if the beneficiary requests payment within 90 calendar days after the notice was mailed.*

*2. If the insurer does not receive a request that payment be made directly to a beneficiary within 90 days after the notice required by subsection 1 is mailed, payments* to the consul general, vice consul general, consul or vice consul of the nation of which any dependent of a deceased employee is a resident or subject, or a representative of such consul general, vice consul general, consul or vice consul, of any compensation due under this chapter to any dependent residing outside of the United States, any power of attorney to receive or receipt for the same to the contrary notwithstanding, [shall be] *are* as full a discharge of the benefits or compensation payable under this chapter as if payments were made directly to the beneficiary.

Sec. 2. NRS 616.615 is hereby amended to read as follows:

616.615 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of this chapter, the compensation is known as a death benefit, and is payable [in the amount to and for the benefit of the following:

1. Burial expenses.] *as follows:*

*1.* In addition to [the] *any other* compensation payable [under] *pursuant to* this chapter, burial expenses *are payable in an amount* not to exceed $5,000. When the remains of the deceased employee and the person accom-

panying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer if the transportation is not beyond the continental limits of the United States.

2. [Widow.] To the [widow,] *surviving spouse of the deceased employee,* 66⅔ percent of the average monthly wage [. This compensation must be paid until her] *is payable until his* death or remarriage, with 2 years' compensation *payable* in one *lump* sum upon remarriage.

3. [Widower. To the widower, 66⅔ percent of the average monthly wage. This compensation must be paid until his death or remarriage, with 2 years' compensation in one sum upon remarriage.

4. Children who survive a widow or widower.

(a) In case] *In the event* of the subsequent death of the surviving spouse [any] *:*

*(a) Each* surviving child [or children] of the deceased employee must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest reaches the age of 18 years.

(b) If the children have a guardian, the compensation on account of them may be paid to the guardian.

[(c) Except as provided in subparagraphs (1) and (2), the entitlement of any child to receive his proportionate share of compensation under this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to compensation under this section if he is:

(1) Over 18 years and incapable of self-support, until such time as he becomes capable of self-support; or

(2) Over 18 years and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.

(d)] *4.* Upon the remarriage of a [widow or widower] *surviving spouse* with children [, the widow or widower] *:*

*(a) The surviving spouse* must be paid 2 years' compensation in one lump sum and further benefits must cease [. Following the remarriage by the widow or widower with children, each] *; and*

*(b) Each* child must be paid 15 percent of the average monthly wage, up to a maximum family benefit of 66⅔ percent of the average monthly wage.

5. [Surviving children but no surviving spouse. If there is a surviving child or] *If there are any surviving* children of the deceased employee under the age of 18 years, but no surviving spouse, then each *such* child is entitled to his proportionate share of 66⅔ percent of the average monthly wage for his support . [until he reaches the age of 18 years or, if enrolled full time in an accredited vocational or educational institution, until he reaches the age of 22 years.

6. Dependent parents, brothers and sisters. If]

*6. Except as otherwise provided in subsection 7, if* there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of injury causing his death, 33⅓ percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of injury causing his death, 66⅔ percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of injury causing his death, his proportionate share of 66⅔ percent of the average monthly wage.

[(d)] *7.* The aggregate compensation payable pursuant to [paragraphs (a), (b) and (c) may in no case] *subsection 6 must not* exceed 66⅔ percent of the average monthly wage.

[7. Questions of total or partial dependency.

(a)] *8.* In all other cases [,] *involving* a question of total or partial dependency *:*

*(a) The extent of the dependency* must be determined in accordance with the facts [as the facts may be] *existing* at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

[8. Apportionment of death benefit between dependents.]

*9.* Compensation *payable* to [the widow or widower must be] *a surviving spouse is* for the use and benefit of the [widow or widower, and of] *surviving spouse and* the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

[9. Nonresident alien dependents. If a dependent to whom a death benefit is to be paid is an alien not residing in the United States, the compensation must be only 50 percent of the amount or amounts specified in this section.

10. Funeral expenses of dependent dying before expiration of award. In case]

*10. In the event* of the death of any dependent specified in this section before the expiration of the time [named in the award,] *during which compensation is payable to him,* funeral expenses *are payable in an amount* not to exceed $5,000 . [must be paid.]

*11. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his proportionate share of compensation pursuant to this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if he is:*

*(a) Over 18 years of age and incapable of self-support, until such time as he becomes capable of self-support; or*

*(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.*".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; revising provisions regarding the payment of death benefits to nonresident alien dependents; increasing the allowed amount of payments to nonresident alien dependents; making technical changes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to industrial insurance payments to nonresident alien dependents. (BDR 53-832)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 420, 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 495.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 783.

Amend sec. 25, page 8, by deleting lines 24 through 27 and inserting:

"(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this state. The director shall revise the plan biennially and deliver a copy of the plan to the governor and the legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the state and the Federal Government;

(4) Identify the sources of funding for services provided by the department and the allocation of that funding;

(5) Set forth sufficient information to assist the department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the department.

(d) Shall, upon request, provide the director of the department of general services a list of organizations and agencies in this state whose primary purpose is the training and employment of handicapped persons.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(f) Has such other powers and duties as are provided by law.".

Amend the bill as a whole by adding new sections designated sections 28 and 29, following sec. 27, to read as follows:

"Sec. 28. 1. There is hereby appropriated from the state general fund to the welfare division of the state department of human resources for use by the attorney general for salary and operational expenses related to the Medicaid fraud control unit as matching money for a related grant made pursuant to Title XIX of the Social Security Act:

For the fiscal year 1991-92 ..... $24,467
For the fiscal year 1992-93 ..... $21,565

2. The following sums are authorized for expenditure by the welfare division of the state department of human resources for use by the attorney general for salary and operational expenses related to the Medicaid fraud control unit:

For the fiscal year 1991-92 ..... $220,198
For the fiscal year 1992-93 ..... $194,085

3. Any balance of the sums appropriated or expenditures authorized by subsection 1 or 2 of this section remaining at the end of the respective fiscal years must not be committed for expenditure after June 30. Any balance of the sums so appropriated reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 29. Section 25 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, fourth line, after "penalties;" by inserting: "making appropriations; authorizing certain expenditures;".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 420 and 577 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 398.

The following Senate amendment was read:

Amendment No. 773.

Amend section 1, page 1, line 2, by deleting "$8,501,933" and inserting "$11,156,824".

Amend the summary of the bill, first line, by deleting "appropriations" and inserting "appropriation".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 398.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 817.

Amend section 1, page 1, by deleting lines 2 through 17 and inserting:

"428.020 [1.] For the purposes of NRS 428.010 to 428.110, inclusive [, the] :

*1. The* county of residence of a person is the county in which he is [presently residing if he has resided in that county for at least 6 consecutive weeks. If the person has not resided in the county in which he is presently residing for at least 6 consecutive weeks, his county of residence is the last county in Nevada in which he resided for at least 6 consecutive weeks. If the person has not resided in a county in Nevada for at least 6 consecutive weeks, he shall be deemed a nonresident.

2. As used in this section, "reside" means to be physically present at a place for at least 4 days out of each week with the intent to dwell in that place permanently or continuously.] *physically present with a bona fide intent to reside permanently or for an indefinite period.*

*2. The county of residence of a person placed in institutional care is the county of residence of that person before he was placed in institutional care.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 577.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 836.

Amend section 1, page 1, by deleting line 5 and inserting: "*regarding each hospital's contractual allowances, in the aggregate, to categories of payers who pay on the*".

Amend sec. 3, page 1, by deleting line 17 and inserting: "*more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of 200 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.*".

Amend sec. 9, page 2, line 45, by deleting "*hospital.*" and inserting: "*hospital, except that the division may disclose to other state agencies the details of contracts between the hospital and a related entity.*

*3. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.*".

Amend sec. 10, page 3, line 23, after "*federal*" by inserting "*and state*".

Amend sec. 10, page 3, line 35, by deleting "*fiscal*" and inserting "*calendar*".

Amend sec. 10, page 3, line 38, by deleting "*fiscal*" and inserting "*calendar*".

Amend sec. 11, page 3, by deleting line 46 and inserting: "approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of 200 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.".

Amend sec. 11, page 3, line 47, after "(f)" by inserting: " "New major hospital" means a hospital that becomes a major hospital, as defined in paragraph (e), on or after the effective date of this act.

(g)".

Amend sec. 11, page 4, line 20, after the period by inserting: "The director shall allow a hospital to use the rate formula that the hospital has in effect on July 1, 1991, for determining charges for such items.".

Amend sec. 11, page 4, lines 23 and 24, by deleting "working days" and inserting: "days, excluding Saturdays, Sundays and legal holidays,".

Amend sec. 11, page 4, line 45, after "generate" by inserting "net".

Amend sec. 11, page 5, line 11, by deleting "working days" and inserting: "days, excluding Saturdays, Sundays and legal holidays,".

Amend sec. 11, page 5, line 24, after "11." by inserting: "A new major hospital shall submit to the director a complete charge master for the hospital within 60 days after becoming a major hospital. The charge master must be submitted on a computer medium in a form acceptable to the director. The director shall review, revise as appropriate, and approve the prices in the charge master based upon the prevailing charges in the area in which the new major hospital is located. After approval of the charge master, the hospital is subject to the provisions of this section to the same extent as other major hospitals. The director shall adopt regulations governing the approval of a charge master pursuant to this subsection.

12. A major hospital which considers its financial condition so weakened that the quality of care provided by the hospital is seriously jeopardized by any provision of this act may request approval to increase the prices in its

charge master by submitting a written request for the increase and supporting documentation to the director. The director shall consider the potential impact on the quality of care provided by the hospital and the probability that failure to grant relief would cause financial instability. The director may approve the request, or revise and approve the request, if he determines that such approval is necessary to ensure the ability of the hospital to provide adequate care to its patients.

13. A hospital that submits its charge master for approval pursuant to subsection 11 or requests an increase in its prices pursuant to subsection 12 shall pay the department a fee for its review of the charge master or the request. The director shall by regulation establish rates or fees for the department's review of the charge master or the request.

14.".

Amend sec. 11, page 5, line 32, by deleting "12." and inserting "15.".

Amend sec. 11, page 5, line 35, after "has" by inserting: "willfully and intentionally".

Amend sec. 11, page 5, by deleting lines 36 through 42 and inserting: "he may impose an administrative penalty on the hospital of not more than:

(a) Two times the difference between the price charged in violation of this section and the allowable price, for each instance in which that item is billed; or

(b) One thousand dollars,

whichever is greater.".

Amend sec. 11, page 5, line 43, by deleting "13." and inserting "16.".

Amend sec. 12, page 6, line 9, by deleting "fiscal" and inserting "calendar".

Amend sec. 12, page 6, line 11, by deleting "fiscal" and inserting "calendar".

Amend sec. 13, page 6, line 26, by deleting "fiscal" and inserting "calendar".

Amend sec. 13, page 6, line 27, by deleting "For" and inserting: "Except as otherwise provided in subsection 4, for".

Amend sec. 13, page 6, by deleting line 29 and inserting: "calendar year.

4. The director may grant a credit against the assessment made pursuant to subsection 3 for a hospital that establishes its own program to promote wellness, physical fitness and the prevention of disease and accidents, if the program:

(a) Has received the prior approval of the director; and

(b) Meets the criteria set forth in section 7 of this act and any regulations adopted to carry out that section.".

Amend sec. 14, page 6, line 31, by deleting "4" and inserting "5".

Amend sec. 14, page 6, line 35, by deleting "4" and inserting "5".

Amend sec. 14, page 6, line 43, by deleting "fiscal" and inserting "calendar".

Amend sec. 14, page 6, line 46, by deleting "fiscal" and inserting "calendar".

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

"Sec. 15. 1. The governor shall establish a task force to study issues of public health policy. The membership of the task force must include, but is not limited to, representatives of:

(a) Providers of health care;

(b) Insurers;

(c) Patients;

(d) The legislature; and

(e) The department of human resources.

2. The task force shall report its findings and recommendations to the governor and the legislature on or before September 1, 1992.

3. The costs of conducting the study by the task force must be paid by the major hospitals, as that term is defined in section 3 of this act.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 85, 304; Assembly Concurrent Resolutions Nos. 81, 84; Senate Concurrent Resolution No. 51.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to John Ediss, D.C.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Bradley Corbin.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Clyde Porter.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lisa Bray.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Ross, D.C. and Mr. Aaron Dickens.

On request of Assemblyman Kerns, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Yani Dickens.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jared Porter.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Raymond Snyder and Mrs. Mary Snyder.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dana Weddle, Kim Kindstrom and Juanita Williams.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jason Porter.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 27, 1991 at 12 noon.

Motion carried.

Assembly adjourned at 10:27 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

The

# Journal of the Assembly

OF THE

SIXTY-SIXTH SESSION

OF THE

## LEGISLATURE OF THE STATE OF NEVADA

## 1991

BEGUN ON MONDAY, THE TWENTY-FIRST DAY OF JANUARY, AND ENDED ON SUNDAY, THE THIRTIETH DAY OF JUNE

**VOLUME 2**

**THE ONE HUNDRED AND TWENTY-SEVENTH DAY— THE ONE HUNDRED AND SIXTY-FIRST DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS**

SPO, Carson City, Nevada, 1992

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## THE ONE HUNDRED AND TWENTY-SEVENTH DAY

CARSON CITY (Monday), May 27, 1991

Assembly called to order at 12:25 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jack Glidewell.

The eyes of all Your people wait on You, Lord, for direction. The ears of Your leaders in the Assembly listen for Your consideration. Bless the deliberation of a people who seek light, and renewed life, and pray for hope for the many needs of our State of Nevada.

On this Memorial Day, we remember all those pioneers who went before and we especially honor the veterans of many conflicts who served "Battle Born" under the stars and stripes of our nation and the flag of our state. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Bills No. 691, 723, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 427, 697, 750, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 743, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 613, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Norton moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-2224), requested by the Committee on Legislative Functions and Elections, be introduced by individual assemblymen.

Remarks by Assemblyman Norton.

Motion carried unanimously.

Assemblyman Sader moved that Senate Bill No. 442 be placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Garner moved that Senate Bill No. 192 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 506 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:31 p.m.

## ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Norton, Giunchigliani, Scherer, Heller, Petrak, Krenzer, Little, Evans, Anderson, Johnson, Bache, Spitler, Haller, Bennett, Porter, Sader, Dini, Garner, Freeman, Price, Myrna Williams, Wendell Williams, Callister, Arberry, Wong, Gregory, Hardy, Elliott, McGinness, Spriggs, Pettyjohn, Gibbons, Bayley, Goetting, McGaughey, Kerns, Carpenter, Marvel, Humke, Stout, Bergevin and Lambert:

Assembly Concurrent Resolution No. 88—Commending Rafael Rivera for discovering the Las Vegas Valley.

WHEREAS, On Christmas Day in 1829, a young scout traveling with a Mexican caravan of packers and traders rode off from the main group in what is now northwestern Arizona; and

WHEREAS, This young scout, Rafael Rivera, and a small scouting party rode southwest to the Colorado River, stopping in the area now covered by Lake Mead searching for a trail to the West Coast; and

WHEREAS, The choices of continuing down the treacherous Black Canyon beside the mighty Colorado River or heading west into the desert were both feared by Rivera's companions and they returned to the main expedition; and

WHEREAS, Although Rafael Rivera was presumed lost, historians believe that Rivera went well-prepared into the uncharted desert, up the Las Vegas Wash to Whitney Mesa, a few miles east of where passenger jets now touch down at McCarran International Airport; and

WHEREAS, One can only imagine the surprise and thrill that Rafael Rivera must have experienced at 19 after his 13-day, 506-mile journey, as he looked out over the green valley floor to the snow-topped Spring Mountain Range miles away; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby commend and honor posthumously Rafael Rivera for his fortitude and determination as a scout which enabled him to become the first non-Indian to enter the Las Vegas Valley; and be it further

RESOLVED, That the Rafael Rivera Monument Committee, composed of professional historians, and headed by Chairman Larry Luna and President Frank Maggio, is hereby commended for spending many years documenting Rafael Rivera's journey and for their determination that this courageous man be recognized; and be it further

RESOLVED, That Clark County and the State of Nevada appreciate the newly dedicated historical marker honoring Rafael Rivera which was donated and set in place by the Division of Historic Preservation and Archaeology, on land donated by the Clark County School District at the foot of Whitney Mesa, at the intersection of Mountain Vista Drive and Russell Road; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Larry Luna, Chairman, and Frank Maggio, President, of the Rafael Rivera Monument Committee.

Assemblyman Norton moved the adoption of the resolution.

Remarks by Assemblyman Norton.

Resolution adopted.

Assemblyman Norton moved that all rules be suspended and that Assembly Concurrent Resolution No. 88 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 89—Directing the Legislative Commission to conduct an interim study of the feasibility of a centralized, community-based intensive supervision program for offenders.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 90—Urging the Governor of the State of Nevada to create a Blue Ribbon Executive-Legislative Panel to Study and Propose Revisions to the Laws Governing Public Records and Books.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 784—An Act relating to short-barreled rifles; clarifying the provisions concerning possession of a short-barreled rifle or shotgun; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 417 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 887.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient; or

(b) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each person described in paragraphs (a) and (b) of this subsection who requests it and pays the *actual cost of postage, if any, the* costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health and care records produced by similar processes. *No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.*

2. *Each person who owns or operates an ambulance in this state shall make his records regarding a sick or injured patient available for physical inspection by:*

*(a) The patient or a representative with written authorization from the patient; or*

*(b) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.*

*The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in paragraphs (a) and (b) of this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.*

*3.* Records made available to a representative or investigator of such a board must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

This subsection does not prohibit that board from providing to a provider of health care *or owner or operator of an ambulance* against whom a complaint or written allegation has been filed, or to his attorney, information on the identity of a patient whose records may be used in a public hearing relating

to the complaint or allegation, but the provider of health care *or owner or operator of an ambulance* and his attorney shall keep the information confidential.

[3.] *4.* A provider of health care [,] *or owner or operator of an ambulance,* his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.".

Amend sec. 5, page 1, line 19, after "inclusive," by inserting: "[and] section 1 of [this act,] *Senate Bill No. 36 of this session,*".

Amend sec. 23, page 8, line 37, after "inclusive," by inserting: "[and] section 45 of [this act,] *Assembly Bill No. 422 of this session,*".

Amend the bill as a whole by deleting sections 28 through 30 and inserting:

"Secs. 28-30. (Deleted by amendment.)".

Amend sec. 33, pages 13 and 14, by deleting lines 39 through 48 on page 13 and line 1 on page 14 and inserting:

"Sec. 33. (Deleted by amendment.)".

Amend sec. 46, page 17, by deleting line 46 and inserting:

"Sec. 46. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the bill as a whole by deleting the text of the repealed section.

Amend the title of the bill, first line, by deleting "pharmacy;" and inserting: "health care; providing for the inspection and copying of certain records regarding ambulance service; clarifying the charges a provider of health care may charge for copying health care records;".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 320 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 680.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 680:

YEAS—42.

NAYS—None.

Assembly Bill No. 680 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 759.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Assembly Bill No. 759:

YEAS—42.

NAYS—None.

Assembly Bill No. 759 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 259:

YEAS—40.

NAYS—None.

Not voting—Heller, Marvel—2.

Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblymen Petrak, Humke and Freeman.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, I rise in support of Senate Bill No. 442. I am sure that the reading of the bill by Mrs. Landing supplied you with much information about this important legislation. Mr. Speaker, could I go to Order of Business 15?

Thank you, Mr. Speaker. Through you to my colleagues in the Assembly, the Good Book right up here in front of us says that "There is a time to be born and there is a time to die."

Today is Memorial Day. If we were back home in the area of Cleveland, Ohio, of course, Phyllis and I would go out to Riverside Cemetery and visit a lot of our family who are resting there. Also in the same cemetery is the mom and dad of our colleague, Larry Spitler, so we would probably visit that cemetery resting place also.

When Assemblyman Hardy, who is 27 and the youngest colleague here in our Assembly, reaches my age at 72—and that is the reverse of 27—and it's Memorial Day in the year 2036, chances are that Warren will say, "I remember back in 1991 when I was a legislator, I voted for the important right-to-die bill." At the same time that he says that, he'll probably go out to Boulder where the Veterans Cemetery is and he will visit the grave of Bill Petrak and his wife, Phyllis.

Some place in the newspaper, it said last week, that "Senate Bill No. 442 is merciful legislation that will allow hopelessly ill patients to die with dignity instead of lingering for months or years strapped to machines to sustain the semblance but not the substance of life. It will allow families of the living dead to let nature take its course." Back to General File, Mr. Speaker.

This bill is intended to make uniform the law with respect to the right to die among the states who have adopted it. Testimony indicated that although Nevada has been in the forefront in this issue, recent changes in the law require an update. In particular, Nevada's

Living Will provisions would be mandatory by this bill. The right of a competent person to make decisions regarding life sustaining treatment is clarified and the problems that were expressed in the Nevada Supreme Court in the Bergstedt case would be corrected.

Finally, a mechanism would be put into place to allow life sustaining treatment be withdrawn in the absence of a written declaration. I encourage all of my colleagues to support this legislation. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of this bill. This is not a fun bill to vote for but it is an important one. May we go to Item of Business 15?

Mr. Speaker, many of the members may have seen Jeffrey Reichman, the proponent of this bill. I don't believe he is here today. He has an interesting style of lobbying for this bill. You may or may not have realized or maybe you saw newspaper accounts; he lost both his mother and sister to cancer within approximately 30 days of each other a couple of years ago. This is a family that I was close to. I knew all family members and have been in their house a number of times. I went to school with Kathleen, who has now passed away. I would say to the previous speaker, I don't care so much what the newspaper said about this bill, I care about what Kathy, I think, would have said and what her mother would have said. I think that they would have wanted this bill as Jeffrey has said to many of us. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also knew Jeffrey's mother and his sister and watched the months of anguish that this family went through. I agree with Mr. Humke that Mr. Reichman's style of lobbying was very interesting but this has become his mission. It has been his answer to problems that they went through with the issue when his mother and sister were dying.

This is an issue that has been very important to me for years. I think that most of you in the body know that I was in nursing for many years and I've watched what has happened, particularly in the last 15, 20 years when so many people are so concerned about lawsuits that people are very often kept alive when there is no need for it. When the family has told them good-bye, they have let them go, but the doctors very often are afraid because of malpractice suits and very often people have just been kept alive for reasons that no one really understands. I think this is landmark legislation. I think it is extremely important to the people of our state and I would ask you to support it.

Roll call on Senate Bill No. 442:

YEAS—41.

NAYS—Price.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 890.

Amend sec. 3, pages 1 and 2, by deleting lines 11 through 15 on page 1 and lines 1 through 21 on page 2 and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; limiting the amount of campaign contributions which may be given to a candidate for a public office; prohibiting the acceptance of contributions by legislators during certain periods; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer and Stout.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Freeman and Little.

Assemblyman Stout requested that Assemblyman Little's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this honorable body, I want everyone here to know that in Clark County we added a $1.25 on our recycling. We were told in Clark County that would be the last of any increases for the recycling program. We thought the county would be taking over this recycling program. Now I find out it has moved to the state level. Well, I have a problem with charging a dollar on tires for a fund that would increase bureaucracy up here at the state level by hiring four more government employees. I feel our county is doing a good job right now. I would like to leave it at the county level for two more years and find out how and if we need any more additional guidelines. If not, I think we should leave it with private industry who has been doing a very good job so far. Thank you, and I would vote no.

Roll call on Assembly Bill No. 320:

YEAS—33.

NAYS—Bergevin, Elliott, Gregory, Little, McGaughey, Marvel, Pettyjohn, Wong—8.

Not voting—Hardy.

Assembly Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 193, 347, 427, 475, 516, 547, 550, 613, 691, 697, 723, 743 and 750 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 1:09 p.m.

## ASSEMBLY IN SESSION

At 1:32 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 193.

Bill read second time.

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

Amendment No. 739.

Amend the bill as a whole by deleting sections 1 through 7 and the text of the repealed section and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 284.035 is hereby amended to read as follows:

284.035 No member of the commission [shall] *may* have held a partisan political office [or have been an employee of the state] within the calendar year immediately preceding his appointment [, nor shall] *or election, nor may* he seek or hold such an office [or employment] during his term as a member of the commission.

Sec. 2. NRS 284.091 is hereby amended to read as follows:

284.091 A majority of the members of the commission shall appoint one or more hearing officers to conduct hearings and render decisions as provided in NRS *284.165,* 284.376 and 284.390.

Sec. 3. NRS 284.165 is hereby amended to read as follows:

284.165 1. As soon as practicable and after consultation with appointing authorities and principal supervisory officials, the director shall allocate the position of every employee in the classified service to one of the positions in the position classification plan.

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the director a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the director.

3. Any employee who is aggrieved by the director's decision concerning an allocation or change in classification is entitled to *a hearing before a hearing officer if the employee submits a written request for such a hearing to the director not later than 20 days after receipt of the director's decision. The hearing officer shall hear testimony, consider evidence and prepare a written decision, which must set forth the justification for the decision and address all pertinent issues concerning classification.*

*4. If an employee or the department is aggrieved by the hearing officer's decision concerning an allocation or change in classification, the employee or the department is entitled to* have the decision reviewed by the commission if the employee *or the department* submits a written request to the commission for such a review not later than 30 days after the [director's] *hearing officer's* decision. *The commission shall review the decision of the hearing officer and affirm the decision or rehear the appeal.*".

Amend the title of the bill to read as follows:

"An Act relating to the state personnel system; providing a state employee who is aggrieved by a decision concerning the allocation of a position or a

change in classification with the right to a hearing before a hearing officer; removing a restriction on eligibility for membership on the personnel commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides state employee aggrieved by decision concerning classification with right to hearing before hearing officer and removes restriction on eligibility for membership on personnel commission. (BDR 23-143)".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 512.

Amend section 1, pages 1 and 2, by deleting lines 3 through 20 on page 1 and lines 1 and 2 on page 2, and inserting: "*If more than one rental agreement or lease is currently offered to prospective tenants, the landlord shall:*

*1. Post in a conspicuous and readily accessible place in the community or recreation facility in the park, at or near the entrance of the park or other common area in the park, a legible sign indicating in bold print and bearing the caption "sample rental or lease agreements."*

*2. Under the sign indicating "sample rental or lease agreements" post copy of a each rental or lease agreement presently offered to prospective tenants.*

*3. Provide at the request of a prospective tenant or an existing tenant, a copy of any lease or rental agreement required to be posted pursuant to subsection 2.*

*4. Immediately correct or replace the posted copy of a lease or rental agreement if new provisions are added to the lease or rental agreement or if existing provisions are amended or deleted.*

*5. Provide a copy of the provisions of this section to a prospective tenant before he signs a rental agreement or lease for a lot.*".

Assemblyman Norton moved the adoption of the amendment.

Remarks by Assemblymen Norton and Lambert.

Assemblyman Lambert moved that Assembly Bill No. 347 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Lambert.

Motion carried on a division of the house.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 778.

Amend sec. 2, page 2, by deleting lines 1 through 19 and inserting: "NRS 463.370, the amount of the commission deducted from off-track pari-mutuel wagering [received by it.] *plus breakage and the face amount of unpaid winning tickets that remain unclaimed for a period specified by the commission.*".

Amend the title of the bill to read as follows:

"An Act relating to gaming; revising the licensing fee for conducting off-track pari-mutuel wagering on racing; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 892.

Amend sec. 2, page 1, by deleting lines 3 through 16 and inserting:

"Sec. 2. *1. Every person not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an unsolicited expenditure on behalf of the candidate or group shall, not later than:*

*(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;*

*(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and*

*(c) Sixty days after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,*

*report the total amount of contributions received on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury.*

*2. The report of campaign contributions must identify each contribution in excess of $500. Contributions which a contributor has made cumulatively in excess of $500 since the beginning of the first reporting period must be separately identified with the name and address of the contributor and the date of the contribution or contributions tabulated and reported on the form designed and provided by the secretary of state.*

*3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. For all other*

*candidates the reports must be filed with the secretary of state. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.*

*4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.*

*5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.*".

Amend sec. 4, page 2, by deleting lines 5 through 10 and inserting:

"Sec. 4. *1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:*

*(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;*

*(b) Fifteen days before a general election or general city election whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and*

*(c) Sixty days after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,*

*report expenditures made on behalf of or against a question or group of questions on the ballot in excess of $500 on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must also include the identification of expenditures which the person or group made cumulatively in excess of $500 since the beginning of the first reporting period.*

*2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a question or group of questions must not be included in the report.*

*3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question. A person may make his report to the appropriate filing officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.*

*4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.*

*5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.*".

Amend the bill as a whole by deleting sec. 7 and adding new sections designated sections 7 and 7.5, following sec. 6, to read as follows:

"Sec. 7. *1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:*

*(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;*

*(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and*

*(c) Sixty days after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,*

*report the total amount of contributions received on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.*

*2. Each contribution in excess of $500 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution or contributions tabulated and reported on the form provided by the secretary of state.*

*3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.*

*4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.*

*5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.*

Sec. 7.5. *A candidate who receives a contribution from an anonymous or unidentifiable contributor shall, within 10 days after he receives the contribution, deliver the money to the state treasurer. The state treasurer shall deposit the money in the state general fund.*".

Amend sec. 8, page 5, line 5, by deleting "*record.*" and inserting: "*voting record or qualifications for office.*".

Amend sec. 8, page 5, line 6, by deleting: "*or permit the use of*".

Amend sec. 8, page 5, by deleting lines 8 and 9.

Amend sec. 8, page 5, line 10, by deleting "*4.*" and inserting "*3.*".

Amend sec. 8, page 5, line 13, by deleting "*or patriotism*".

Amend sec. 8, page 5, line 14, by deleting "*5.*" and inserting "*4.*".

Amend sec. 10, page 5, by deleting lines 43 and 44 and inserting: "are rendered to a candidate *or a person not under the direction or control of a candidate or of any person involved in his campaign who makes an unsolicited expenditure on behalf of the candidate, or a person or group of persons organized formally or informally who advocates the passage or defeat of a question or*".

Amend sec. 11, page 6, line 8, by deleting "Thirty" and inserting "[Thirty] *Sixty*".

Amend sec. 11, page 6, by deleting lines 9 and 10, and inserting: "*30 days after* the general election,

report the total amount of his campaign contributions *and the number of contributions which are less than $500* on forms".

Amend sec. 11, page 6, by deleting line 19 and inserting: "report the total amount of his campaign contributions *and the number of contributions which are less than $500* on forms".

Amend sec. 11, page 6, by deleting line 24 and inserting: "shall report the total amount of his campaign contributions *and the number of contributions which are less than $500* on".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 294A.035 is hereby amended to read as follows:

294A.035 1. Every candidate for city office where the general city election is preceded by a primary city election shall file the reports in the manner required by NRS 294A.010, 294A.020 and 294A.031 for other offices not later than:

(a) Fifteen days before the primary city election, for the period from 30 days after the last election for that office up to 20 days before the primary city election;

(b) Fifteen days before the general city election, whether or not the candidate won the primary city election, for the period from 20 days before the primary city election up to 20 days before the general city election; and

(c) Sixty days after the general city election, for the remaining period up to 30 days after the general city election.

2. Every candidate for city office where there is no primary city election shall so file those reports:

(a) Twenty days before the general city election, for the period from 30 days after the last election for that office up to 30 days before the general city election; and

(b) Sixty days after the general city election, for the remaining period up to 30 days after the general city election.

*3. The city clerk shall design the form for each report a candidate for city office is required to file pursuant to NRS 294A.010 and 294A.020. The city clerk shall submit the form to the secretary of state for approval. The city clerk shall not use such a form until it is approved.*".

Amend sec. 13, pages 7 and 8, by deleting lines 38 through 46 on page 7 and lines 1 through 37 on page 8, and inserting:

"294A.041 1. Every person [who advocates the election of a candidate other than himself or the defeat of a candidate other than his opponent or advocates the election or defeat of a group of candidates not including himself or his opponent for national, congressional, state, district, county, municipal or township office or the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election, and every group of persons, whether formally or informally organized, which advocates the election or defeat of a candidate or the passage or defeat of a question or group of questions on the ballot] *not under the direction or control of a candidate or of any person involved in his campaign who makes an unsolicited expenditure on behalf of the candidate* shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) Sixty days after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report *the* expenditures made on behalf of [or against] a candidate [,] *or* group of candidates [, question or group of questions on the ballot] in excess of $500 on forms designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must also include identification of expenditures which the person or group made cumulatively in excess of $500 since the beginning of the first reporting period. [The report must include a specific listing of any contributions which are required to be reported by a candidate pursuant to NRS 294A.010.]

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of [or against] a candidate [,] *or* group of candidates [, question or group of questions] must not be included in the report.

3. If the candidate is elected from one county , [or the question is submitted to the voters of only one county,] the reports must be filed with the county clerk of that county. *If the candidate is elected from one city, the reports must be filed with the city clerk of that city.* Otherwise, the reports

must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates , [or questions,] the reports must be made to the officer appropriate for each candidate [or question but need not be] *and* itemized by *the* candidate . [or question.] A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk *or city clerk* who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state [.] *within 10 working days after he receives the report.*

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.".

Amend sec. 14, pages 8 and 9, by deleting lines 39 through 48 on page 8 and line 1 on page 9, and inserting:

"294A.051 *1.* Each committee for political action shall , *before it engages in any activity in this state,* register with the secretary of state [,] on forms supplied by him.

*2.* The form must require:

[1.] *(a)* The name of the committee;

[2.] *(b)* The purpose for which it was organized;

[3.] *(c)* The names and addresses of its officers;

[4.] *(d)* If the committee for political action is affiliated with any other organizations, the name and address of each organization;

[5.] *(e)* The name and address of its resident agent; and

[6.] *(f)* Any other information deemed necessary by the secretary of state.

*3. A committee for political action shall file with the secretary of state an amended form for registration within 30 days after any change in the information contained in the form for registration.*".

Amend sec. 17, page 10, lines 25 and 26, by deleting "*, or section*" and inserting: "*and sections 2, 4 and*".

Amend sec. 18, page 10, line 30, by deleting "10" and inserting "[10] *30*".

Amend sec. 18, page 10, line 32, by deleting "*section*" and inserting: "*sections 2, 4 and*".

Amend sec. 18, page 10, line 37, by deleting the semicolon and inserting ". [;]".

Amend sec. 18, page 10, line 39, by deleting "$500; and" and inserting "$500 . [; and]".

Amend sec. 18, page 10, between lines 45 and 46, by inserting:

"*4. The contributions in excess of $500 made to:*

*(a) A person not under the direction or control of a candidate or of any person involved in his campaign who makes an unsolicited expenditure on behalf of the candidate.*

*(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.*".

Amend sec. 19, page 11, line 2, after "*section*" by inserting: "*2, 4 or*".

Amend the bill as a whole by deleting sec. 20.

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; providing for the disposition of contributions received by a candidate from an anonymous or unidentifiable contributor; limiting the amount of campaign contributions which may be given to a candidate for a city, county or state office; limiting the amount of campaign contributions a candidate for a city, county or state office may accept from a single source; requiring the disclosure of the contributions received by persons other than candidates; making various other changes relating to campaign practices; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 824.

Amend section 1, page 1, line 6, after "*bicycles*" by inserting: "*to link major population and commercial centers*".

Amend section 1, page 1, line 8, after "*Constructed*" by inserting: "*or designated to be constructed*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 516 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 790.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting: "act.

2. The governing body of each county and each city] *The local air pollution control agency* may enforce within its".

Amend section 1, page 1, line 14, by deleting "local" and inserting: "[local] *:*

*1. Local*".

Amend section 1, page 1, by deleting lines 16 and 17 and inserting: "*regulation; and*

*2. Enforcement is necessary to prevent a violation of the federal standards for ambient air quality.*".

Amend the title of the bill to read:

"An Act relating to air quality; authorizing the local air pollution control agency to enforce any state or federal regulations or any regulations they adopt relating to indirect sources of air contaminants under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblyman Johnson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 855.

Amend the bill as a whole by deleting sections 1 through 49 and the text of repealed sections and adding new sections designated sections 1 through 24, following the enacting clause, to read as follows:

"Section 1. NRS 632.012 is hereby amended to read as follows:

632.012 "Advanced practitioner of nursing" means a registered nurse who:

1. Has specialized skills, knowledge and experience; *and*

2. [Has completed a program designed to prepare a registered nurse to provide designated acts of medical diagnosis or prescription of therapeutic or corrective measures; and

3.] Is authorized by the board to provide [those] services in addition to those that other registered nurses are authorized to provide.

Sec. 2. NRS 632.237 is hereby amended to read as follows:

632.237 1. The board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who has completed an educational program designed to prepare a registered nurse to [perform] *:*

*(a) Perform* designated acts of medical diagnosis [or prescription of] *;*

*(b) Prescribe* therapeutic or corrective measures *; and*

*(c) Prescribe poisons, dangerous drugs and devices,*

and *who* meets the other requirements established by the board for such certification.

2. An advanced practitioner of nursing may [engage] *:*

*(a) Engage* in selected medical diagnosis and treatment *; and*

*(b) If authorized pursuant to NRS 639.2351, prescribe poisons, dangerous drugs and devices,*

pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

[2.] *3.* The board shall adopt regulations:

(a) Specifying the training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

Sec. 3. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the state board of nursing.*

Sec. 4. NRS 639.001 is hereby amended to read as follows:

639.001 As used in this chapter, the words and terms defined in NRS 639.002 to 639.016, inclusive, [and] section 1 of [this act,] *chapter 197, Statutes of Nevada 1991, and section 3 of this act,* have the meanings ascribed to them in those sections unless a different meaning clearly appears in the context.

Sec. 5. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatrist who holds a valid license to practice his profession in this state;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state; or

3. [A registered nurse] *An advanced practitioner of nursing* who has been authorized to prescribe poisons, dangerous drugs and devices.

Sec. 6. NRS 639.1375 is hereby amended to read as follows:

639.1375 1. [A registered nurse] *An advanced practitioner of nursing* may dispense controlled substances, poisons, dangerous drugs and devices if he:

(a) Is authorized to do so by the state board of nursing in a certificate issued by that board; and

(b) Applies for and obtains a certificate of registration from the state board of pharmacy and pays the fee set by a regulation adopted by the board. The board may set a single fee for the collective certification of [the nurses] *advanced practitioners of nursing* in the employ of a public or nonprofit agency and a different fee for the individual certification of other [nurses.] *advanced practitioners of nursing.*

2. The state board of pharmacy shall consider each application from [a registered nurse] *an advanced practitioner of nursing* separately, and may:

(a) Issue a certificate of registration limiting:

(1) The authority of the [registered nurse] *advanced practitioner of nursing* to dispense controlled substances, poisons, dangerous drugs and devices;

(2) The area in which the [registered nurse] *advanced practitioner of nursing* may dispense;

(3) The kind and amount of controlled substances, poisons, dangerous drugs and devices which the certificate permits the [registered nurse] *advanced practitioner of nursing* to dispense; and

(4) The practice of the [registered nurse] *advanced practitioner of nursing* which involves controlled substances, poisons, dangerous drugs and devices in any manner which the board finds necessary to protect the health, safety and welfare of the public;

(b) Issue a certificate of registration without any limitation not contained in the certificate issued by the state board of nursing; or

(c) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the state board of nursing.

3. If a certificate of registration issued pursuant to this section is suspended or revoked, the board may also suspend or revoke the registration of the physician for and with whom the [registered nurse] *advanced practitioner of nursing* is in practice to dispense controlled substances.

4. The board shall adopt regulations setting forth the maximum amounts of any controlled substance, poison, dangerous drug and devices which [a registered nurse] *an advanced practitioner of nursing* who holds a certificate from the board may dispense, the conditions under which they must be stored, transported and safeguarded, and the records which each such nurse shall keep. In adopting its regulations, the board shall consider:

(a) The areas in which [a nurse] *an advanced practitioner of nursing* who holds a certificate from the board can be expected to practice and the populations of those areas;

(b) The experience and training of the nurse;

(c) Distances between areas of practice and the nearest hospitals and physicians;

(d) Effects on the health, safety and welfare of the public; and

(e) Other factors which the board considers important to the regulation of the practice of [nurses] *advanced practitioners of nursing* who hold certificates from the board.

Sec. 7. NRS 639.2351 is hereby amended to read as follows:

639.2351 1. [A registered nurse] *An advanced practitioner of nursing* may prescribe, [under protocol and only by written prescription,] *in accordance with NRS 454.695,* poisons, dangerous drugs and devices if he:

(a) Is authorized to do so by the state board of nursing in a certificate issued by that board; and

(b) Applies for and obtains a certificate of registration from the state board of pharmacy and pays the fee set by a regulation adopted by the board. The board may set a single fee for the collective certification of [the nurses] *advanced practitioners of nursing* in the employ of a public or nonprofit agency and a different fee for the individual certification of other [nurses.] *advanced practitioners of nursing.*

2. The state board of pharmacy shall consider each application from [a registered nurse] *an advanced practitioner of nursing* separately, and may:

(a) Issue a certificate of registration; or

(b) Refuse to issue a certificate of registration, regardless of the provisions of the certificate issued by the state board of nursing.

[3. As used in this section, "protocol" has the meaning ascribed to it in NRS 454.695.]

Sec. 8. NRS 639.2589 is hereby amended to read as follows:

639.2589 1. The form for any prescription which is issued or intended to be filled in this state must contain a line for the signature of the prescriber, the printed words "dispense only as written" and a box near that statement for the purpose of indicating that a substitution may not be made.

2. Substitutions may be made in filling prescriptions contained in [physician's] *the* orders *of a physician, or of an advanced practitioner of nursing who is a practitioner,* in a facility for skilled nursing or facility for intermediate care. Each page of the document which contains the [physician's] order must be printed with the words: "The biological equivalent of drugs ordered may be dispensed unless initialed by the prescriber here" and a box must be provided near that statement for the purpose of indicating that a substitution may not be made.

3. Substitutions may be made in filling prescriptions ordered on a patient's chart in a hospital if the hospital's medical staff has approved a formulary for specific generic substitutions.

Sec. 9. NRS 639.2805 is hereby amended to read as follows:

639.2805 1. A pharmacist or practitioner is not subject to any penalty for filling a prescription for a substance licensed for manufacture in this state if the prescription is issued to a patient by his [physician.] *practitioner.*

2. If a substance licensed for manufacture in this state has not been approved as a drug by the Food and Drug Administration, the label or other device affixed to its container must so state and the label must further state that the State of Nevada has not approved the substance.

Sec. 10. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the state board of nursing.*

Sec. 11. NRS 453.016 is hereby amended to read as follows:

453.016 As used in [NRS 453.011 to 453.730, inclusive,] *this chapter,* the words and terms in NRS 453.021 to 453.141, inclusive, [and] section 45 of [this act,] *Assembly Bill No. 422 of this session, and section 10 of this act,* have the meanings ascribed to them in those sections except in instances where the context clearly indicates a different meaning.

Sec. 12. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatrist who holds a valid license to practice his profession in this state and is registered pursuant to this chapter.

2. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to [possess, administer or] dispense controlled substances.

3. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice in this state.

4. A euthanasia technician who is licensed by the Nevada state board of veterinary medical examiners and registered pursuant to this chapter, when he possesses or administers sodium pentobarbital pursuant to his license and registration.

Sec. 13. NRS 453.377 is hereby amended to read as follows:

453.377 A controlled substance may be dispensed by:

1. A registered pharmacist upon a legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge.

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer.

3. A practitioner or a physician's assistant if authorized by the board.

4. A registered nurse, when the state, county, city or district health officer has declared a state of emergency.

5. A medical intern in the course of his internship.

6. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense controlled substances.

7. A pharmacy in an institution of the department of prisons to a person designated by the director of the department of prisons to administer a lethal injection to a person who has been sentenced to death.

8. A registered pharmacist from an institutional pharmacy, pursuant to regulations adopted by the board.

Sec. 14. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the state board of nursing.*

Sec. 15. NRS 454.001 is hereby amended to read as follows:

454.001 As used in this chapter, the words and terms defined in NRS 454.002 to 454.0098, inclusive, *and section 14 of this act,* have the meanings ascribed to them in those sections, unless a different meaning clearly appears in the context.

Sec. 16. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatrist who holds a valid license to practice his profession in this state.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this state.

3. When relating to the prescription of poisons, dangerous drugs and devices [, a:

(a) Registered nurse] *:*

*(a) An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him so to prescribe; or

(b) [Physician's] *A physician's* assistant who holds a license from the state board of medical examiners and a certificate from the state board of pharmacy permitting him so to prescribe.

Sec. 17. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician's assistant if authorized by the board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the board;

5. A medical intern in the course of his internship;

6. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the department of prisons to an offender in that institution; or

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the board,

except that no person may dispense a dangerous drug in violation of a regulation adopted by the board.

Sec. 18. NRS 454.221 is hereby amended to read as follows:

454.221 1. Any person who furnishes any dangerous drug except upon the prescription of a practitioner shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his own patients;

(b) A physician's assistant if authorized by the board;

(c) A registered nurse while participating in a public health program approved by the board, or [a registered nurse] *an advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to [possess and administer or] dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a district health officer to the holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the director of the department of prisons to administer a lethal injection to a person who has been sentenced to death.

Sec. 19. NRS 454.316 is hereby amended to read as follows:

454.316 1. Except as otherwise provided in this section, every person who possesses any drug defined in NRS 454.201, except that furnished to him by a pharmacist pursuant to a legal prescription or a practitioner, is guilty of a gross misdemeanor. If the person has been twice previously convicted of any offense:

(a) Described in this section; or

(b) Under any other law of the United States or this or any other state or district which if committed in this state would have been punishable as an offense under this section,

he shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years.

2. No prescription is required for possession of those drugs by pharmacists, practitioners, physicians' assistants if authorized by the board, hospitals, intermediate emergency medical technicians, advanced emergency medical technicians, public health nurses, [registered nurses] *advanced practitioners of nursing* who hold certificates from the state board of nursing and certificates from the state board of pharmacy permitting them to [possess, administer and] dispense dangerous drugs, registered nurses responsible for patients in air and ground ambulances, any other person or class of persons approved by the board pursuant to regulation, jobbers, wholesalers, manufacturers or laboratories authorized by laws of this state to handle, possess and deal in those drugs when they are in stock containers properly labeled and have been procured from a manufacturer, wholesaler or pharmacy, or by a rancher who possesses such dangerous drugs in a reasonable amount for use solely in the treatment of livestock on his own premises.

3. No prescription is required for an optometrist certified under NRS 636.382 to possess drugs which he is authorized to use under chapter 636 of NRS.

Sec. 20. NRS 454.480 is hereby amended to read as follows:

454.480 1. Hypodermic devices may be sold by pharmacists on the prescription of a physician, dentist or veterinarian [.] *, or of an advanced practitioner of nursing who is a practitioner.* Those prescriptions must be filed as required by NRS 639.236, and may be refilled as authorized by the prescriber. Records of refilling must be maintained as required by NRS 454.236 to 454. 276, inclusive.

2. Except as otherwise provided in subsection 3, pharmacists and others holding hypodermic permits, unless the permit limits otherwise, may sell hypodermic devices without prescription for the following purposes:

(a) For use in the treatment of persons having asthma or diabetes.

(b) For use in injecting medications prescribed by a practitioner for the treatment of human beings.

(c) For use in an ambulance or by a firefighting agency for which a permit is held pursuant to NRS 450B.200 or 450B.210.

(d) For the injection of drugs in animals or poultry.

(e) For commercial or industrial use or use by jewelers or other merchants having need for those devices in the conduct of their business, or by hobbyists when the seller is satisfied that the device will be used for legitimate purposes.

(f) For use by funeral directors and embalmers, licensed medical technicians or technologists, or research laboratories.

3. Only pharmacists may sell without prescription any hypodermic device intended for human use, as set forth in paragraphs (a), (b) and (c) of subsection 2.

Sec. 21. NRS 454.490 is hereby amended to read as follows:

454.490 1. All sales of hypodermic devices sold without prescription must at the time of sale be recorded by the person making the sale. The record must show the date, the name and address of the purchaser, the size, type and quantity of devices sold, the name or initials of the person making the sale and the purpose for which the device is to be used. It is the responsibility of the seller to ascertain, to his satisfaction, that the device is to be legitimately used for the purpose stated by the purchaser. The record must be retained for 5 years from the date of the last entry thereon and must be open to inspection by authorized officers of the law acting in their official capacity.

2. The recording of sales required by this section does not apply to the sale of hypodermic devices by manufacturers, wholesalers, pharmacies or persons holding retail hypodermic permits, not otherwise limited, when such sales are made to other manufacturers, wholesalers or pharmacies, or to practitioners, hospitals, registered nurses or other holders of permits.

3. The provisions of subsections 1 and 2 do not apply to a physician, dentist or veterinarian *, or to an advanced practitioner of nursing who is a practitioner,* when furnishing a hypodermic device to a patient for use in the treatment of the patient.

Sec. 22. NRS 454.695 is hereby amended to read as follows:

454.695 1. [A registered nurse] *An advanced practitioner of nursing* may prescribe [, by written prescription only,] poisons, dangerous drugs and devices for legitimate medical purposes in accordance with:

(a) The certificates he holds from the board and the state board of nursing; and

(b) The protocol which is approved by the state board of nursing.

2. For the purposes of this section, "protocol" means the written agreement between a physician and [a registered nurse] *an advanced practitioner of nursing* which sets forth matters including the:

(a) Patients which the [registered nurse] *advanced practitioner of nursing* may serve;

(b) Specific poisons, dangerous drugs and devices which the [registered nurse] *advanced practitioner of nursing* may prescribe; and

(c) Conditions under which the [registered nurse shall] *advanced practitioner of nursing must* directly refer the patient to the physician.

Sec. 23. 1. A certificate issued by the state board of pharmacy pursuant to NRS 639.1375 or 639.2351 to a registered nurse who is not an advanced practitioner of nursing expires on October 1, 1991.

2. As used in this section, "advanced practitioner of nursing" means a registered nurse who holds a valid certificate of recognition as an advanced practitioner of nursing issued by the state board of nursing.

Sec. 24. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to medical professionals; revising the provisions regarding the authority of registered nurses to prescribe or dispense controlled substances, poisons, dangerous drugs and devices; making various changes regarding the filling of prescriptions and sale of hypodermic devices; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises authority of registered nurses and makes various changes regarding filling of prescriptions and sale of hypodermic devices. (BDR 54-1801)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 613.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 891.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The purposes of sections 2 to 6, inclusive, of this act are to:*

*1. Promote the delivery of health care of high quality in a manner that limits the cost of such care; and*

*2. Foster greater cooperation between providers of health care and agents who perform utilization review.*

Sec. 3. *As used in sections 2 to 6, inclusive, of this act:*

*1. "Agent who performs utilization review" includes any person who performs such review except a person acting on behalf of the Federal Government, but only to the extent that the person provides the service for the Federal Government or an agency thereof.*

*2. "Insured" means a natural person who has contracted for or participates in coverage under a policy of insurance, a contract with a health maintenance organization, a plan for hospital, medical or dental services or any other program providing payment, reimbursement or indemnification for the costs of health care for himself, his dependents, or both.*

*3. "Utilization review" means a system that provides, at a minimum, for review of the necessity and appropriateness of the allocation of health care resources and services provided or proposed to be provided to an insured. The term does not include responding to requests made by an insured for clarification of his coverage.*

Sec. 4. *1. A person shall not conduct utilization review unless he is:*

*(a) Registered with the commissioner as an agent who performs utilization review and has a medical director who is a physician or, in the case of an agent who reviews dental services, a dentist, licensed in any state; or*

*(b) Employed by a registered agent who performs utilization review.*

*2. A person may apply for registration by filing with the commissioner a $250 fee and the following information on a form provided by the commissioner:*

*(a) The applicant's name, address, telephone number and normal business hours;*

*(b) The name and telephone number of a person the commissioner may contact for information concerning the applicant;*

*(c) The name of the medical director of the applicant and the state in which he is licensed to practice medicine or dentistry; and*

*(d) A summary of the plan for utilization review, including procedures for appealing determinations made through utilization review.*

*3. An agent who performs utilization review shall file with the commissioner any material changes in the information provided pursuant to subsection 1 within 30 days after the change occurs.*

*4. The commissioner shall not evaluate the plan submitted pursuant to paragraph (d) of subsection 2. The commissioner shall make the plan available upon request and shall charge a reasonable fee for providing a copy of the plan.*

*5. Registration pursuant to this section must be renewed on or before March 1 of each year by providing the information specified in subsection 2 and paying a renewal fee of $250.*

Sec. 5. *The provisions of sections 2 to 6, inclusive, of this act do not apply to:*

*1. An authorized insurer;*

*2. A fraternal benefit society that is certified pursuant to chapter 695A of NRS;*

*3. A nonprofit corporation for hospital, medical or dental services that is certified pursuant to chapter 695B of NRS;*

*4. A health maintenance organization that is certified pursuant to chapter 695C of NRS; or*

*5. An organization for dental care that is certified pursuant to chapter 695D of NRS,*

*which performs its own utilization review. This section does not limit the applicability of sections 2 to 6, inclusive, of this act to affiliates and subsidiaries of such entities or to contracts between such entities and independent agents who perform utilization review.*

Sec. 6. *A person who violates any provision of sections 2 to 5, inclusive, of this act shall be punished by a fine of not more than $1,000.*".

Amend the title of the bill to read as follows:

"An Act relating to reviewing the provision of health care; requiring registration with the commissioner of insurance of persons who provide utilization review; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires registration with commissioner of insurance of persons who provide utilization review. (BDR 40-1037)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 691.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 828.

Amend section 1, page 1, by deleting lines 1 through 7 and inserting:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.".

Amend the bill as a whole by renumbering sections 2 through 6 as sections 4 through 8 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. *"Farm vehicle" means any vehicle or combination of vehicles which is:*

*1. Controlled and operated by a farmer or rancher;*

*2. Used to transport his own livestock, agricultural products, or ranch or farm machinery or supplies to or from a ranch or farm; and*

*3. Not used in the operation of a common or contract carrier.*

Sec. 3. *The department shall adopt regulations establishing the criteria to be used to determine whether a person is a farmer or rancher for the purposes of section 2 of this act and NRS 706.071. A person must present appropriate evidence to allow the department to make the determination that he satisfies the criteria set forth in the regulations.*".

Amend sec. 2, page 1, line 10, by deleting "*1*" and inserting "*2*".

Amend sec. 5, page 2, line 22, after "*transport*" by inserting "*his own*".

Amend sec. 6, page 2, by deleting line 25 and inserting:

"Sec. 8. This act becomes effective upon passage and approval for the purpose of adopting regulations pursuant to section 3 of this act and on January 1, 1992, for all other purposes.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 697.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 822.

Amend sec. 3, page 2, between lines 12 and 13 by inserting: "*The term does not include a super speed ground transportation system as defined in NRS 705.4292.*".

Amend sec. 4, page 2, line 20, by deleting "[grantee] *grantor*" and inserting "grantee".

Amend sec. 5, page 2, between lines 43 and 44 by inserting: "*The term does not include a super speed ground transportation system as defined in NRS 705.4292.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 723.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 827.

Amend section 1, page 1, by deleting lines 14 through 17 and inserting:

"*4. Except as otherwise provided in NRS 485.135, any person in this state may request the director to restrict access to the files and records of the department and its various divisions which contain information concerning the person and are made available for a private purpose. The*".

Amend section 1, page 2, by deleting lines 1 through 5 and inserting:

"*(b) Driver's license number;*

*(c) All applicable vehicle registration numbers; and*

*(d) All applicable vehicle identification numbers.*

*5. The director shall, upon receipt of such a request, immediately restrict access to the files and records of the department and its various divisions which contain information concerning the person and are made available for a private purpose.*".

Amend section 1, page 2, after line 7 by inserting:

"*7. This section does not prohibit any insurer or any person authorized by federal, state or local law from obtaining access to the files and records of the department and its various divisions.*".

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

"An Act relating to motor vehicles; revising the provisions governing access to the records of the department of motor vehicles and".

Amend the summary of the bill by deleting the first line and inserting:

"Summary—Revises provisions governing access to records of department of".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 743.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 750.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 815.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, by deleting lines 40 and 41 and inserting:

"6. A child alleged to be delinquent who is taken into custody and".

Amend sec. 2, page 3, line 1, by deleting: "more than 100,000," and inserting: "100,000 or more,".

Amend sec. 2, page 3, by deleting lines 16 through 18 and inserting: "child in need of supervision, be released within 24 hours, exclud-".

Amend sec. 2, page 3, by deleting lines 38 through 40 and inserting:

"9. A child alleged to be in need of supervision who is taken into".

Amend sec. 2, page 4, by deleting lines 16 through 22.

Amend the title of the bill to read as follows:

"An Act relating to juvenile justice; revising certain restrictions upon the detention of juveniles; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 278 be placed on the General File.

Remarks by Assemblyman Callister.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Assemblyman Spriggs requested that Assemblymen Myrna Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 278 increases the number of district judges in the second and eighth judicial districts to add one and seven respectively to service family court judges. It establishes the family court as the division of the district court in the judicial district of Clark and Washoe counties. The measure also provides for the original exclusive jurisdiction of the family court in certain proceedings.

It further requires all district judges who act as judges in family or juvenile courts after November 3, 1992, to attend a course designed for the training of new judges of such courts at the National College of Juvenile and Family Law in Reno. The bill clarifies the definition of Juvenile Court and Juvenile Division to conform to the Family Court structure. It also clarifies the appointment provisions and responsibilities of the directors of juvenile services as they relate to the family courts.

It further requires the district court of each judicial district in which a family court is not created to report to the 67th session of the legislature concerning whether the court desires to have such a court and under what conditions in such districts. This measure requires the National Council of Juvenile and Family Court judges in cooperation with the staff of the Legislative Counsel Bureau to conduct a study to determine the appropriate workload levels for family courts. The results of this study are to be reported to the next legislative session. An operational study of the family courts by the Council from 1992 through 1994 also is required to be reported to the 1995 legislature.

This bill was requested by myself and many others to implement the Constitutional amendment approved in November, 1990, which authorizes the establishment of family courts.

Roll call on Assembly Bill No. 278:

YEAS—39.

NAYS—Bergevin, Little, Pettyjohn—3.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 75, 82, 335, 445.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 21.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 21:

Assemblyman Porter moved that the resolution be referred to the Committee on Taxation.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 75.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 82.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 335.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 445.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 398; Assembly Concurrent Resolutions Nos. 51, 54, 77, 86; Senate Concurrent Resolutions Nos. 38, 52.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Norton Picket, Richard Gomez and Mrs. Vivian Picket.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Michele Elaine Hicks, Jenny Joan Hicks-Glidewell, Karen-Marie Kraus-Glidewell and Mr. Jack Willis Glidewell, II.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Master Sean Tyler McNally.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Staci Oaks.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Chris Anderson and Mrs. Thea Anderson.

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Larry Luna.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 28, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-EIGHTH DAY

CARSON CITY (Tuesday), May 28, 1991

Assembly called to order at 10:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Callister, who was excused.

Prayer by the Chaplain, The Reverend Edmund Irvin.

O God of all tasks, we thank Thee for all who make possible our service for today; for secretaries and pages, for security guards and custodians, for receptionists and staff members. Strengthen the threads that weave the fabric of our government and bless this Assembly that with one spirit we might serve the people of this state and thus render honor to Thee. In the name of the Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 585, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Concurrent Resolution No. 78, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 754, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 134 and requests a second conference, and appointed Senators Titus, Cook and Raggio as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 134.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 88.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Concurrent Resolution No. 4.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 78.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 785—An Act relating to parolees; increasing the cash balance of the parolees' revolving loan account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 786—An Act making an appropriation to the motor pool fund for the purchase of 11 additional vehicles for the motor pool fleet for use by the department of parole and probation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 787—An Act relating to parole; increasing the number of members of the state board of parole commissioners; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 10:43 a.m.

## ASSEMBLY IN SESSION

At 10:58 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Vice Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 420 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 577 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 582 be taken from the General File and re-referred to the Committee on Labor and Management.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 506 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 61.

Resolution read.

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

Amendment No. 789.

Amend the resolution, page 2, line 20, by deleting "January" and inserting "March".

Amend the resolution, page 3, by deleting line 12 and inserting:

"RESOLVED, That the governing board for regional planning in Washoe County".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Resolution ordered reprinted and engrossed.

GENERAL FILE AND THIRD READING

Assembly Bill No. 495.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 495:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 519.
Bill read third time.
Remarks by Assemblyman McGaughey.
Roll call on Assembly Bill No. 519:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 590.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 896.
Amend sec. 4, page 3, by deleting lines 3 through 5 and inserting:
"2. The commission may expend money in the fund only for projects identified in the commission's plan to promote and preserve".
Assemblyman Evans moved the adoption of the amendment.
Remarks by Assemblyman Evans.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 630.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 630:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 709.
Bill read third time.

Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 709:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 709 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 743.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Assembly Bill No. 743:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 743 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 744.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Bill No. 744:
YEAS—41.
NAYS—None.
Absent—Callister.

Assembly Bill No. 744 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 166.
Bill read third time.
Remarks by Assemblymen Sader, Carpenter and Pettyjohn.
Roll call on Senate Bill No. 166:
YEAS—37.
NAYS—Carpenter, Elliott, Kerns, Spriggs—4.
Absent—Callister.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 495, 519, 630, 709, 743, 744; Assembly Concurrent Resolution No. 78 and Senate Bill No. 166 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 386, 489, 585 and 754 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 195 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 26 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 743.

Amend sec. 2, page 1, line 14, by deleting "The" and inserting: "[The] *Except as otherwise provided in this subsection, the*".

Amend sec. 2, page 1, line 17, after "*district.*" by inserting: "*The board may contract with an adjoining school attendance area or district to provide a kindergarten for an attendance area without such a department. If, on or before June 1 immediately preceding the school year, admittance to kindergarten has been requested for fewer than 15 children, the mandatory provisions of this subsection do not apply to that school and the board may determine whether to establish or otherwise provide a kindergarten for those children.*".

Amend the title of the bill, second line, after "district;" by inserting: "providing certain exceptions;".

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblyman Johnson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

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

Amendment No. 700.

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

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A governing body that approves a division of land pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of this act, may approve adjustments to boundary lines.*

Sec. 3. *1. If a boundary line is adjusted or land is transferred pursuant to paragraph (c) of subsection 2 of NRS 278.461, a professional land surveyor shall perform a field survey, set monuments and file a record of survey pursuant to NRS 625.340.*

*2. A record of survey filed pursuant to subsection 1 must contain:*

*(a) A certificate by the professional land surveyor who prepared the map stating that:*

*(1) He has performed a field survey of the boundaries of the affected parcels;*

*(2) That all corners and angle points of the adjusted boundary line have been set; and*

*(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of this act.*

*(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:*

*(1) He has examined the plat and approves and authorizes the recordation thereof;*

*(2) He agrees to execute the required documents creating any easement which is shown;*

*(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of this act;*

*(4) All property taxes on the land which are due for any part of the fiscal year have been paid; and*

*(5) That any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.*

*(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.*

Sec. 4. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act,* unless the context otherwise requires:

1. "Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.

2. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

3. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

4. "Commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and *sections 2 and 3 of this act, and*

those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, [under] *pursuant to* the powers granted in NRS 278.010 to 278.630, inclusive, and *sections 2 and 3 of this act, and* within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

Sec. 5. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not file for record any final map unless the map:

(a) Contains all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance.

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [no] *all* property taxes on the land [are delinquent.] *which are due for any part of the fiscal year have been paid.*

2. Nothing contained in NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act,* prevents the recording [under] *pursuant to* the provisions of NRS 278.010 to 278.630, inclusive, and *sections 2 and 3 of this act, and* any applicable local ordinances of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act,* prohibit the filing of a map in accordance with the provisions of any statute requiring the filing of [registered] *professional* land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

Sec. 6. NRS 278.461 is hereby amended to read as follows:

278.461 1. A person who proposes to divide any land for transfer or development into four or fewer lots shall file a parcel map in the office of the county recorder, unless this requirement is waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [no] *all* property taxes on the land [are delinquent.] *which are due for any part of the fiscal year have been paid.*

2. A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right of way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line *between two abutting parcels* or the transfer of land between two owners of [adjacent property] *abutting parcels* which does not result in the creation of any additional parcels.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

3. A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which are severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the department of transportation [under] *pursuant to* chapter 408 of NRS.

(e) Filing a certificate of amendment [under] *pursuant to* NRS 278.473.

4. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, *and sections 2 and 3 of this act,* until further divided.

5. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

Sec. 7. NRS 278.467 is hereby amended to read as follows:

278.467 1. If the parcel map is waived the authority which granted the waiver may require the preparation and recording of a document which contains:

(a) A legal description of all parts based on a system of rectangular surveys;

(b) A provision for the dedication or reservation of any road right of way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his signature and stamp.

3. The person preparing the document may include the following statement:

This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [no] *all* property taxes on the land [are delinquent.] *which are due for any part of the fiscal year have been paid.*

Sec. 8. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or governing body has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or, if authorized by ordinance, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [no] *all* property taxes on the land [are delinquent.] *which are due for any part of the fiscal year have been paid.*

2. This map must be:

(a) Entitled "Map of Division into Large Parcels".

(b) Filed with the governing body or planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or governing body or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey or based upon the most recent government survey and show the date of approval of the government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel.

(e) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) All roads or easements of access which exist and which the owner intends to offer for dedication, all roads or easements of access which are shown on the applicable master plan and all roads or easements of access which are specially required by the planning commission or governing body.

(c) Any easements for public utilities which exist or are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 9. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. The governing body or planning commission must approve, conditionally approve or disapprove the final map basing its action upon the requirements of NRS 278.472, within 45 days after its filing. A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission. If the map is disapproved, the governing body or planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of what changes would be necessary to render the map acceptable. If the governing body or planning commission neither approves nor disapproves the map within 45 days, the map shall be deemed approved unconditionally.

2. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

3. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements.

(b) A certificate signed by the clerk of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 for action by the governing body or the planning commission has expired.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that [no] *all* property taxes on the land [are delinquent.] *which are due for any part of the fiscal year have been paid.*

4. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

5. The county recorder shall charge and collect for recording the map a fee of no more than $25 per page set by the board of county commissioners.

Sec. 10. Sections 8 and 9 of this act become effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to real property; revising provisions governing approval of adjustments to boundary lines; requiring a professional land surveyor to perform a survey, set monuments and file a record of survey regarding an adjustment of boundary lines or a transfer of land involving abutting parcels; requiring a statement concerning property taxes to be filed with certain maps; and providing other matters properly relating thereto.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 585.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 792.

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

"Section 1. Chapter 539 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Notwithstanding any other provision of this chapter, if an irrigation district operates a federal reclamation project pursuant to a contract with the United States and the project is authorized for purposes in addition to irrigation, the district may expand the number of directors on the board of directors of the district in the manner provided in this section.*

*2. The number of directors may be increased pursuant to this section by a number not to exceed one less than the number of elected directors on the board. The addition of directors pursuant to this section may be proposed by resolution adopted by the board of directors or upon the petition of not less than 51 percent of the qualified electors of the district.*

*3. The resolution or petition proposing to increase the number of directors must designate the number of additional directors proposed, the interest to be represented by each additional director, and the method by which each*

*additional director will be appointed. The interest to be represented by each additional director must be an interest which owns a water right for an authorized purpose of the federal reclamation project.*

*4. The board of directors shall call a special election to be held within 90 days after the date of the adoption of the resolution or the presentation of the petition to the board of directors, at which election the question of expanding the board of directors in accordance with the resolution or petition must be submitted to the qualified electors of the district. Notice of the special election must be given in the manner provided in NRS 539.125.*

*5. If the result of the special election is in favor of the expansion, the board of directors must be expanded in accordance with the resolution or petition. The new directors must be appointed at the time of the next biennial election of directors, and must determine their respective tenures of office in the manner provided in NRS 539.065. After the initial terms, directors appointed pursuant to this section hold office for a term of 4 years. The successor to a director appointed pursuant to this section must be appointed not later than the biennial election which coincides with the expiration of the director's term.*

*6. By resolution of the elected directors or by petition of not less than 51 percent of the qualified electors of the district, the directors added pursuant this section may be eliminated, or the interests they represent or their appointing authorities may be changed, in the same manner that directors are added pursuant to this section.*

Sec. 2. NRS 539.110 is hereby amended to read as follows:

539.110 1. The number of directors and the number of divisions of any district organized [under] *pursuant to* the laws of this state [shall] *must* not be altered or changed except upon [a] *:*

*(a) A* petition of not less than 51 percent of the qualified electors of the district [.

2. Such petition shall] *; or*

*(b) A resolution adopted by the board of directors.*

*2. The petition or resolution must* prescribe the number of divisions into which the district is proposed to be divided and [shall] *must* be accompanied by a map showing the proposed new division boundaries, which map [shall] *must* be a part of the petition *or resolution* and [shall] *must* be presented to the board of directors of the district at any regular meeting.

3. At its next regular meeting [,] following the presentation of the petition [,] *or adoption of the resolution,* the board of directors shall prepare or cause to be prepared a map of the district showing [thereon] the proposed new division boundaries, which map [shall] *must* be placed on file in the office of the district. At least two copies [thereof shall] *of the map must* be posted in other conspicuous places in the district where such maps [shall be] *are* available for inspection by all interested persons.

4. The board of directors shall call a special election to be held within 90 days [from] *after* the date of the presentation of the petition to the board of directors [,] *or adoption of the resolution,* at which election the question of altering or changing the number of divisions of the district in accordance

with the petition [shall] *must* be submitted to the qualified electors of the district. *Notice of the special election must be given in the manner provided in NRS 539.125, and must include notice of the places where the map showing the proposed new division boundaries may be inspected.*

5. If the result of the special election is in favor of the [alterations or] changes in the number of divisions and division boundaries of the district, [then] the next biennial election of directors [shall be] *is* governed by the altered conditions established by [such] *the* special election and the terms of office of all the directors then in office and who were elected or appointed [prior to] *before* the altered conditions [shall] expire on the [2nd] *second* Monday following [such] *the* biennial election. The new directors then elected shall determine their respective tenures of office in the manner designated in NRS 539.065.

6. No petition *or resolution* to change the number of directors and divisions of a district [shall] *may* be received or considered within a period of 4 years following the date of [such] *the* special election.

Sec. 3. NRS 539.123 is hereby amended to read as follows:

539.123 1. Any person 21 years of age or over, whether a resident of the district or not, who is or has declared his intention to become a citizen of the United States is an "elector" for the purposes of this chapter and is entitled to vote at any election held pursuant to this chapter if the following conditions as to ownership of land are met:

(a) The elector must be the bona fide holder of title or evidence of title, as defined in NRS 539.020 and 539.023, to land within the district or have a contractual right to acquire title to land within the district upon payment of a fixed sum to the record titleholder.

(b) The holder of an undivided interest in land is an elector and, if his interest is community property, his spouse is an elector whether or not the spouse appears of record as the owner of an interest in the acreage. If two or more persons hold undivided or community interests, one such person may vote upon presenting the written consent of his fellow holders.

(c) A surface water right must be appurtenant to the acreage.

2. An elector is entitled to vote according to the land which he owns outright, as follows:

(a) Ten acres or less, one vote;

(b) For each additional 10 acres or a part thereof, up to and including 200 acres, one additional vote; and

(c) For each additional 100 acres or a part thereof above 200 acres, one additional vote.

The district shall issue a separate ballot for each vote which an elector is entitled to cast.

3. If two or more persons hold undivided or community interests in land, each is entitled to cast a percentage of the respective votes otherwise allowed pursuant to subsection 2 that is equal to his percentage interest in that land, except that, if pursuant to this subsection those persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon presenting the written consent of his fellow holders.

4. Any elector who resides outside the district, who owns land in the district, and who is qualified to vote at district elections shall be deemed a resident of that division and precinct of the district in which the major portion of his lands are located, for the purpose of determining his place of voting and qualifications for holding office.

5. Any elector who resides within the district boundaries shall be deemed a resident of the division in which he actually resides, for the purpose of determining his qualification for voting and holding office.

6. A guardian, executor , [or] administrator *or trustee* shall be deemed the holder of title or evidence of title, as prescribed in NRS 539.020 and 539.023, to the land in the state for which he is the guardian, executor [or administrator,] , *administrator or trustee,* and has the right to sign petitions, vote and do all things that any elector may do pursuant to this chapter. *If there is more than one guardian, executor, administrator or trustee, they must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.*

7. Corporations *or partnerships* holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, *the general partner of such a partnership,* or *any* other person authorized in writing by the president or vice president of the corporation [,] *or the general partner of the partnership,* may sign any petition authorized by this chapter, and register and cast the vote of the corporation *or partnership* at any election. *If a partnership has more than one general partner, the general partners must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.*

*8. Designations or written consents for the purposes of registration and voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.*

Sec. 4. NRS 539.133 is hereby amended to read as follows:

539.133 Registration of voters for any regular or special election [shall close on the Wednesday preceding such] *must close 14 days before the* election.

Sec. 5. NRS 539.135 is hereby amended to read as follows:

539.135 The registrars shall require registrants to take the following oath in substance: I am, or have declared my intention to become, a citizen of the United States, am over the age of 21 years, and am, or properly represent, under the law in pursuance of which this election is to be held, the bona fide holder of title or evidence of title, as defined in the law, to [at least 20] ..... acres of land within the boundaries of the ..... [Irrigation District,] *(name of district)* and such holding is for all purposes and not simply for this election or matters connected therewith.

Sec. 6. NRS 539.137 is hereby amended to read as follows:

539.137 [1. The president or vice president of a qualified corporation may register in its behalf, or any other person may register on behalf of such corporation upon being duly authorized by the president or vice president thereof in writing.

2.] The registrar shall require registrants on behalf of [a corporation] *an entity that is not a natural person* to take the following oath, in substance: I am over the age of 21 years, and the [(president or vice president) of (naming the corporation),] *(position held) of (name of entity),* or have been duly authorized in writing to register on behalf of [(naming the corporation); that the corporation] *(name of entity); that the entity* is organized under or has qualified under the laws of Nevada to transact business therein and is the holder of title or evidence of title to [at least 20] ..... acres of land [, as defined in the Nevada Irrigation District Act,] within the boundaries of the ..... [Irrigation District.] *(name of district).*

Sec. 7. NRS 539.190 is hereby amended to read as follows:

539.190 The board of directors [shall have the power:

1. To do] *may:*

*1. Do* any and every lawful act necessary to be done in order to accomplish the things and purposes described in this chapter [.

2. To manage] *, including exercising on behalf of the district the powers that are conferred upon the board of directors of a water conservancy district pursuant to NRS 541.140 and 541.145.*

*2. Manage* and conduct the business and affairs of the district.

Sec. 8. NRS 539.230 is hereby amended to read as follows:

539.230 1. The board of directors may appropriate *or otherwise acquire* water in accordance with the law, and also construct the necessary dams, reservoirs and works for the collection, storage, conservation and distribution of water for the district and for the drainage of the lands thereof.

2. The collection, storage, conveyance, distribution and use of water by or through the works of irrigation districts organized [prior to] *before, on* or after July 1, 1919, together with the rights of way for canals and ditches, sites for reservoirs, electric power and transmission lines, and all other works and property required to carry out fully the provisions of this chapter, is hereby declared to be a public use.

*3. Any water appropriated or otherwise used by an irrigation district is appurtenant to and may be beneficially used and applied to lands anywhere within the boundaries of the district, or adjacent thereto if the place of use is described in the water right held by the district.*

Sec. 9. NRS 539.245 is hereby amended to read as follows:

539.245 1. To secure complete drainage of the lands within any irrigation district, *including field drainage and storm drainage,* the board of directors is vested with full power to widen, straighten or deepen any watercourse or remove any obstruction or rubbish therefrom, whether [such] *the* watercourse is situated in, outside of or below the district, and, when it is necessary, straighten [such] *or alter the* natural watercourse by cutting a new channel upon other lands.

2. The value of [such] *the* lands to be occupied by [such] *the* new channel, and damages, if any, made by [such] *the* work may be ascertained or paid in the manner [that is now or may hereafter be provided by any law providing] *provided* for the exercise of the right of eminent domain in this state.

3. The expenses of the work provided for in this section [shall] *must* be paid from [moneys] *money* arising from assessments upon lands within the district or in any lawful manner acquired.

Sec. 10. NRS 539.553 is hereby amended to read as follows:

539.553 In any election to approve any bond issue, contract or other proposal which would subject the lands in any district to the repayment of an obligation to be incurred for capital purposes, the following procedure must be followed:

1. The secretary of the district shall prepare from the book of assessments a list of all electors qualified by an ownership of land which meets the conditions prescribed in paragraphs (a), (b) and (c) of subsection 1 of NRS 539.123, showing the number of acres listed to each such elector, or the percentage interest in acreage held by each elector who holds an undivided interest in land.

2. At the time and place appointed for the election, the list must be open for inspection. If both spouses vote with respect to acreage in which their interest is community property, the number of votes attributed to that acreage must be divided equally between them. If one holder of an undivided interest votes with the consent of his fellow holders, the entire acreage must be attributed to him.

3. An elector is entitled to vote on the proposal according to the land which he owns outright, as follows:

(a) Ten acres or less, one vote;

(b) For each additional 10 acres or a part thereof, up to and including 200 acres, one additional vote; and

(c) For each additional 100 acres or a part thereof above 200 acres, one additional vote.

The district shall issue a separate ballot for each vote which an elector is entitled to cast.

4. If two or more persons hold undivided or community interests in land, each is entitled to cast a percentage of the respective votes otherwise allowed pursuant to subsection 3 that is equal to his percentage interest in that land [.

5.] *, except that, if pursuant to this subsection those persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon presenting the written consent of his fellow holders.*

*5. A guardian, executor, administrator or trustee shall be deemed the holder of title or evidence of title to the land in the state for which he is the guardian, executor, administrator or trustee, and has the right to vote pursuant to this section. If there is more than one guardian, executor, administrator or trustee, they must designate one of their number to vote pursuant to this section.*

*6. Corporations or partnerships holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, the general partner of such a partnership, or any other person authorized in writing by the president or vice president of the corporation or the general partner of the partnership, may cast the vote of the corporation or partnership pursuant to this section. If a partner-*

*ship has more than one general partner, the general partners must designate one of their number to cast the vote of the partnership pursuant to this section.*

*7. Designations or written consents for the purposes of voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.*

*8.* At the end of the time appointed for voting, the secretary of the district shall determine the total number of votes cast approving the proposal and shall declare it passed if the proposal is approved by a majority of the votes cast.

[6.] *9.* If the proposal is not so approved, it is rejected and the result must be entered of record.

[7.] *10.* No informalities in conducting the election invalidate the result if the election is fairly conducted and the result can be clearly ascertained.

[8.] *11.* For the purposes of this section, eligibility to vote and the number of acres listed to each elector must be determined from the current book of assessments. The board may by regulation permit holders of real property in the district to establish eligibility to vote by providing proof of acquisition of an interest in real property in the district since the last assessment roll was closed.".

Amend the title of the bill to read as follows:

"An Act relating to irrigation districts; establishing a procedure for adding directors to the board of directors of certain irrigation districts; authorizing the board of directors to propose changes in the number of directors on the board pursuant to a resolution of the board; providing additional powers for the board of directors; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to irrigation districts. (BDR 48-1298)".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 754.

Bill read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 195.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 3, by deleting lines 19 through 26 and inserting "[3.]".

Amend sec. 2, page 3, line 27, by deleting "*8.*" and inserting "*7.*".

Amend sec. 2, page 3, line 30, by deleting "*9.*" and inserting "*8.*".

Amend the title of the bill by deleting the second line.

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 26.

Bill read third time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 531.

Amend sec. 2, page 1, by deleting lines 18 through 20 and inserting:

"*(b) A* natural person who provides care, not for profit, for fewer than [four] *three* persons in his home [.] *for not more than 45 days each year, unless a longer time is approved in writing by the health division; or*".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. NRS 449.037 is hereby amended to read as follows:

449.037 1. The board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) *Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.*

*(d)* Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

which provide care to persons with Alzheimer's disease.

3. The board shall adopt separate regulations for the licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

4. The board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. As used in this section, "rural hospital" means a hospital with 85 or fewer beds which is:

(a) The sole institutional provider of health care located within a county whose population is less than 100,000;

(b) The sole institutional provider of health care located within a city whose population is less than 20,000; or

(c) Maintained and governed pursuant to NRS 450.550 to 450.700, inclusive.".

Amend sec. 3, page 2, by deleting line 1 and inserting: "449.235 Every [licensed] medical facility or facility".

Amend the title of the bill, second line, after "unlicensed" by inserting: "medical facilities and".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 205, 382, 471; Senate Concurrent Resolution No. 4; Senate Joint Resolution No. 2.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Depaoli, Klos and the following students from the Robert McQueen High School: Taryn Anglin, Nicole Anstedt, Angel Arsenault, Jeff Avansino, Patsy Bankston, Mike Biller, Gregg Blesch, Brian Buehler, Mikalee Byerman, Katherine Cameron, Vickie Chan, Weldon Chen, Deonne Christensen, Patricia Clark, Kristin Cleveland, Lisa Currie, Barry Donovan, Jenni Eisenbarth, Jon Fagerberg, Matt Feeney, Heidi Frantz, Monica Gaddis, Catherine Gardner, Jake Griffin, Suzanne Grime, Tina Haggard, Annemarie Hudson, Matthew Jones, Morgan King, Lisa Klinkert, Anthony Koliha, Hela Koracin, Cathleen Krutz, Jenny Leo, Angela Lew, Aurora Lopez, Jenny Lyon, Amy Melner, Bob Migliore, Lane Mills, Jeremy Muller, Glen Myers, Melissa Reed, Raejean Romo, Brandi Roper, Tricia Ruiz, Steve Schooley, Patricia Tirona, Myles Van Brocklin, Vivian Wee and Jason Weiss.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Gerry McCue, Mary DuBois, Lorraine Jackson, Huette James, Marie Wenda, Sally Grueson, Edith Sweet and Lydia Panacek.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Michelle Slagle, Masters Christopher Slagle, Nicholas Slagle, Patrick Slagle and Ms. Jacqueline Slagle.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jackie Taylor and Mr. Thomas Soder.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 29, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND TWENTY-NINTH DAY

CARSON CITY (Wednesday), May 29, 1991

Assembly called to order at 10:42 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Bergevin, who was excused.

Prayer by the Chaplain, The Reverend Don Frank.

O God of the nations and Lord of life, we are gathered here this day in this Assembly to continue the business of building and helping the citizens of this state to make Nevada a better place in which to live. Guide us this day as we deliberate, as we make decisions. Keep us from self-interest and being self-serving. Support our work together even if we may disagree. Help us to be aware of the hapless, the helpless and the hopeless as well as those who contribute to our society. We offer this to the glory of Your most holy name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Bill No. 772; Senate Bill No. 396; Senate Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Concurrent Resolution No. 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 35, 73, 149, 169, 171, 221, 244, 246, 289, 324, 330, 425.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 74, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 498.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 124, 329, 349, 366, 416, 521, 526.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 171.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 61.

Resolution read.

Assemblyman Lambert moved that Assembly Concurrent Resolution No. 61 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Lambert.

Motion carried.

Assembly Concurrent Resolution No. 76.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

Assemblyman Evans moved that Assembly Bill No. 577 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Evans.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Myrna Williams and Spitler:

Assembly Bill No. 788—An Act relating to group insurance for public employees; requiring the committee on group insurance to conform coverage, purchased or provided, to newly applicable federal prohibitions against discrimination based on age; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 789—An Act relating to the department of transportation; revising the composition of the board of directors of the department; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 790—An Act relating to the regulation of motor carriers; expanding the exemption from regulation provided for an employer who furnishes transportation for his employees; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 791—An Act relating to taxicabs; requiring a certificate holder to provide a receipt for money remitted by a driver; prohibiting the charging of a fee for the receipt; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 124.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 329.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 349.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 366.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 416.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 498.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 521.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 526.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

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

Assembly in recess at 10:55 a.m.

## ASSEMBLY IN SESSION

At 11:07 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 690; Senate Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 755, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Concurrent Resolution No. 83; Senate Concurrent Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 347 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Concurrent Resolution No. 83.

Assemblyman Goetting moved the adoption of the resolution.

Remarks by Assemblyman Goetting.

Resolution adopted.

Senate Concurrent Resolution No. 15.

Assemblyman Gregory moved the adoption of the resolution.

Remarks by Assemblyman Gregory.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 921.

Amend section 1, pages 1 and 2, by deleting lines 3 through 20 on page 1 and lines 1 and 2 on page 2, and inserting: "*If more than one rental agreement or lease is currently offered to prospective tenants, the landlord of a mobile home park consisting of 25 or more lots shall:*

*1. Post in a conspicuous and readily accessible place in the community or recreation facility in the park, at or near the entrance of the park or other common area in the park, a legible sign indicating in bold print and bearing the caption "sample rental or lease agreements."*

*2. Under the sign indicating "sample rental or lease agreements" post copy of a each rental or lease agreement presently offered to prospective tenants.*

*3. Provide at the request of a prospective tenant or an existing tenant, a copy of any lease or rental agreement required to be posted pursuant to subsection 2.*

*4. Immediately correct or replace the posted copy of a lease or rental agreement if new provisions are added to the lease or rental agreement or if existing provisions are amended or deleted.*

*5. Provide a copy of the provisions of this section to a prospective tenant before he signs a rental agreement or lease for a lot.*".

Amend the title of the bill, first line, after: "landlord of a" by inserting "larger".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 11:18 a.m.

## ASSEMBLY IN SESSION

At 11:43 a.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Spitler, Norton, Haller, Bache, Freeman, Lambert, Sader, Callister, Johnson and Little:

Assembly Concurrent Resolution No. 91—Directing the governor to appoint an interim commission to study the issues facing the Hispanic community.

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Garner moved that Senate Bill No. 439 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 417.

Bill read third time.

Remarks by Assemblymen Scherer and Gibbons.

Roll call on Assembly Bill No. 417:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Assembly Bill No. 427:

YEAS—39.

NAYS—None.

Absent—Bergevin.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 475:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 500:

YEAS—41.

NAYS—None.

Absent—Bergevin.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblymen Johnson, Haller and Spriggs.

Roll call on Assembly Bill No. 547:

YEAS—32.

NAYS—Bayley, Haller, Kerns, Lambert, Little, McGaughey, Pettyjohn, Spriggs, Stout—9.

Absent—Bergevin.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 550:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 613.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 613:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 613 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 577 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 691.

Bill read third time.

Remarks by Assemblymen McGinness, Evans and Haller.

Roll call on Assembly Bill No. 691:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 691 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 697.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Assembly Bill No. 697:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 697 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 723.

Bill read third time.

Remarks by Assemblymen Scherer, Freeman, Haller, Spitler, Price and Myrna Williams.

Assemblymen Humke, Spitler and Lambert moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 723.

Roll call on Assembly Bill No. 723:

YEAS—38.

NAYS—Haller, McGaughey, Price—3.

Absent—Bergevin.

Assembly Bill No. 723 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 750.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Assembly Bill No. 750:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 750 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 754.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Assembly Bill No. 754:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 754 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 439.

Bill read third time.

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

Amendment No. 923.

Amend section 1, page 1, by deleting line 8 and inserting:

"(c) [Two] *Three* members from the state legislature , *including at least one member of the senate and one member of the assembly,* appointed by the legislative".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 640, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 417, 427, 475, 500, 547, 550, 613, 691, 697, 723, 750, 754; Assembly Concurrent Resolutions Nos. 76, 83 and Senate Concurrent Resolution No. 15 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 86, 557, 561, 640, 690, 755, 772; Senate Bills Nos. 116, 396, 510, 524 and Senate Joint Resolution No. 15 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:25 p.m.

## ASSEMBLY IN SESSION

At 12:56 p.m.

Mr. Speaker presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 854.

Amend section 1, page 1, line 6, by deleting "*5*" and inserting "*3*".

Amend section 1, page 1, line 8, after the period by inserting: "*Such a tax may not be levied after the fiscal year 1994-95.*".

Amend section 1, page 1, line 14, by deleting the period and inserting: ", *unless they are employed by the school district primarily to provide for the safety and security of a public school.*".

Amend section 1, page 1, by deleting lines 18 through 21 and inserting:

"*3. A school district in which a tax is imposed pursuant to this section shall not reduce the amount it spends from other sources for the safety and security of the public schools in the district below the amount it spent for that purpose in the fiscal year 1988-89. The school district may use the proceeds of a tax imposed pursuant to this section only to provide additional necessary revenue for that purpose.*

*4. A school district in which a tax is imposed pursuant to this section shall submit a report on its use of the proceeds of the tax to the director of the legislative counsel bureau on or before January 15, 1993, for transmittal to the legislature for its review.*".

Amend the title of the bill to read as follows:

"An Act relating to public schools; requiring the temporary imposition of a tax for enhancing the safety and security of the public schools in a county upon the approval of the voters of the county; excluding the proceeds of the tax from certain contract negotiations and the determination of state support for the school district; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 557.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 826.

Amend sec. 6, page 2, by deleting line 24 and inserting: "2. [If any special license plate or plates issued pursuant to NRS 482.3667,".

Amend sec. 6, page 2, by deleting line 26 and inserting: "or 482.381 are".

Amend sec. 6, page 2, by deleting lines 30 through 32 and inserting: "the department and upon payment of the required fees.

3.] If any license plate or plates [, other than those provided for in subsection".

Amend sec. 6, page 2, line 33, by deleting "2," and inserting "2,]".

Amend sec. 6, page 2, line 37, by deleting: "*subsection 1 of*".

Amend sec. 6, page 2, line 38, by deleting "4." and inserting "[4.] *3.*".

Amend sec. 6, page 2, line 40, after the semicolon by inserting "*and*".

Amend sec. 6, page 2, by deleting line 41 and inserting:

"(b) [Received the plates during the complete issuance of new".

Amend sec. 6, page 2, line 43, by inserting a closed bracket after "(c)".

Amend sec. 15, page 6, line 45, after the bracket by inserting: "*The annual fee for a renewal sticker is $5.*".

Amend sec. 17, page 8, line 22, by deleting "*482.450.*" and inserting "*482.500.*".

Amend the bill as a whole by renumbering sec. 22 as sec. 23 and adding a new section designated sec. 22, following sec. 21, to read as follows:

"Sec. 22. NRS 482.384 is hereby amended to read as follows:

482.384 1. The department may issue special plates to any person who owns a motor vehicle, other than a commercial vehicle, and has a permanent physical handicap which impairs his mobility when not in a motor vehicle. *The department shall charge and collect a fee of $5 for the issuance of the special plates.*

2. The department may issue a special parking permit to any person who:

(a) Owns or does not own a motor vehicle;

(b) Has a permanent physical handicap which impairs his driving ability and impairs his mobility when not in a motor vehicle; and

(c) Has need to be driven by another person to a destination in a motor vehicle,

or to any organization which provides transportation for such a person.

3. The department may make such regulations as are necessary to ascertain eligibility for special parking permits and special plates.

4. Applications for special parking permits or special plates for physically handicapped persons must be made to the department on forms provided by the department which must require information necessary to determine the applicant's eligibility for a permit or special plates for physically handicapped persons and must be accompanied by a certificate from a licensed physician describing the character and extent of the applicant's disability or the general nature of the disabilities of any persons for whom an organization will provide transportation.

5. The department shall charge a fee of no more than $10 for the issuance of the special parking permit to cover the cost of materials.

6. Physically handicapped persons shall pay the regular motor vehicle registration fee as prescribed by this chapter.

7. Except as otherwise provided in this subsection, only one special parking permit or one set of special plates for physically handicapped persons may be issued to any eligible applicant in any one registration period. An organization which will provide transportation for others may obtain one permit for each person so engaged or vehicle to be used.

8. Each set of special plates for physically handicapped persons issued pursuant to this section expires at the end of the last registration month of the registration period for which it was issued.

9. Each special parking permit issued pursuant to this section must contain:

(a) If issued to a natural person, a picture of that person;

(b) If issued to an organization, the name of that organization;

(c) The address of the natural person or organization to which it is issued;

(d) A statement concerning the disability for which the permit is necessary; and

(e) The name of the licensed physician who signed the certificate required by subsection 4.

10. The department shall provide to each person to whom it issues a special parking permit or special plates pursuant to this section, a card identifying that person as the holder of the permit or plates.

11. Permits or special plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

12. Special plates issued pursuant to this section must be of a design determined by the department.

13. A person, other than the physically handicapped person or a person actually transporting the physically handicapped person, shall not use the special parking permit or special plates issued to the handicapped person for the purpose of obtaining the special parking privileges available pursuant to this section.

14. Any person who violates the provisions of subsection 13 is guilty of a misdemeanor.

15. The department shall review the eligibility of each holder of a special parking permit or special plates at least once every 2 years. Upon a determination of ineligibility by the department, the holder shall surrender the permit or plates to the department.".

Amend sec. 22, page 11, by deleting line 36.

Amend sec. 22, page 12, by deleting line 3 and inserting: "*or 482.379 to 482.3814, inclusive, a fee of $10.*".

Amend sec. 22, page 12, line 4, by deleting "*482.3765 or*" and inserting "*482.3765,*".

Amend sec. 22, page 12, line 5, by deleting the comma and inserting "*or 482.378,*".

Amend the bill as a whole by renumbering sec. 23 as sec. 28 and adding new sections designated sections 24 through 27, following sec. 22, to read as follows:

"Sec. 24. Section 1 of chapter 72, Statutes of Nevada 1991, is hereby amended to read as follows:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A person who qualifies pursuant to this section may register one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of 1 ton or less, for his own personal use. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to a specially designed license plate which indicates that he is a recipient of the Purple Heart.*

*2. The department shall issue a specially designed license plate for any person qualified pursuant to this section who submits an application on a form prescribed by the department and evidence of his status as a recipient of the Purple Heart as required by the department. The department may designate any appropriate colors for the special plates.*

*3. If, during a registration year, the holder of a special plate issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he shall retain the plates and:*

*(a) Affix them to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or*

*(b) Within 30 days after removing the plates from the vehicle, return them to the department.*

*4. The fee for the special license plate is $25, in addition to all other applicable registration and license fees and motor vehicle privilege taxes. The annual fee for a renewal sticker is $5. If the special plates issued*

*pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the department for a fee of $5.*

Sec. 25. Sections 2 and 3 of chapter 114, Statutes of Nevada 1991, are hereby amended to read as follows:

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2, whenever upon application any duplicate or substitute certificate of registration or ownership, decal or number plate is issued, the following fees must be paid:

| | |
|---|---|
| For a certificate of registration | $5.00 |
| For every substitute number plate or set of plates | 5.00 |
| For every duplicate number plate or set of plates | 10.00 |
| For every decal displaying a county name | .50 |
| For every other decal (license plate sticker or tab) | 5.00 |

2. The following fees must be paid for any replacement plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.3672, 482.3675, 482.370 to 482.376, inclusive, [and sections 2, 3 and 4 of this act,] or 482.379 to 482.3814, inclusive, *or section 2, 3 or 4 of Assembly Bill No. 557 of this session,* a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378 [,] *or section 1 of this act,* a fee of $5.

(c) For any souvenir license plate issued pursuant to NRS 482.3825, a fee equal to that established by the director for the issuance of such plates.

3. The fees which are paid for duplicate number plates and decals displaying county names must be deposited with the state treasurer for credit to the motor vehicle fund and allocated to the department to defray the costs of duplicating the plates and manufacturing the decals.

4. For purposes of this section:

(a) "Duplicate number plate" means a license plate or a set of license plates issued to a registered owner which repeat the code of a plate or set of plates previously issued to the owner to maintain his registration using the same code.

(b) "Substitute number plate" means a license plate or a set of license plates issued in place of a previously issued and unexpired plate or set of plates. The plate or set of plates does not repeat the code of the previously issued plate or set.

Sec. 26. Section 1 of chapter 189, Statutes of Nevada 1991, is hereby amended to read as follows:

Section 1. NRS 482.384 is hereby amended to read as follows:

482.384 1. The department may issue special plates to any person who owns a motor vehicle, other than a commercial vehicle, and has a permanent physical handicap which impairs his mobility when not in a motor vehicle. The department shall charge and collect a fee of $5 for the issuance of the special plates.

2. The department may issue a special parking permit to any person who:

(a) Owns or does not own a motor vehicle;

(b) Has a permanent physical handicap which impairs his driving ability and impairs his mobility when not in a motor vehicle; and

(c) Has need to be driven by another person to a destination in a motor vehicle,

or to any organization which provides transportation for such a person.

3. The department may [make] *adopt* such regulations as are necessary to ascertain eligibility for special parking permits and special plates.

4. Applications for special parking permits or special plates *and applications for both special parking permits and special plates* for physically handicapped persons must be made to the department on forms provided by the department . [which] *The application* must require information necessary to determine the applicant's eligibility for a *special parking* permit or special plates , *or both a special parking permit and special plates* for physically handicapped persons and must be accompanied by a certificate from a licensed physician describing the character and extent of the applicant's disability or the general nature of the disabilities of any persons for whom an organization will provide transportation.

5. The department shall charge a fee of no more than $10 for the issuance of the special parking permit to cover the cost of materials.

6. Physically handicapped persons shall pay the regular motor vehicle registration fee as prescribed by this chapter.

7. Except as otherwise provided in this subsection, only one special parking permit [or] *and* one set of special plates for physically handicapped persons may be issued to any eligible applicant in any one registration period. An organization which will provide transportation for others may obtain one *special parking* permit for each person so engaged or vehicle to be used.

8. Each set of special plates for physically handicapped persons issued pursuant to this section expires at the end of the last registration month of the registration period for which it was issued.

9. Each special parking permit issued pursuant to this section must contain:

(a) If issued to a natural person, a picture of that person;

(b) If issued to an organization, the name of that organization;

(c) The address of the natural person or organization to which it is issued;

(d) A statement concerning the disability for which the *special parking* permit is necessary; and

(e) The name of the licensed physician who signed the certificate required by subsection 4.

10. The department shall provide to each person to whom it issues a special parking permit or special plates pursuant to this section, a card identifying that person as the holder of the *special parking* permit or *special* plates [.

11. Permits] , *or both the special parking permit and special plates.*

*11. Special parking permits* or special plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

12. Special plates issued pursuant to this section must be of a design determined by the department.

13. A person, other than the physically handicapped person or a person actually transporting the physically handicapped person, shall not use the special parking permit or special plates issued to the handicapped person [for the purpose of obtaining] *to obtain* the special parking privileges available pursuant to this section.

14. Any person who violates the provisions of subsection 13 is guilty of a misdemeanor.

15. The department shall review the eligibility of each holder of a special parking permit or special plates , *or both a special parking permit and special plates,* at least once every 2 years. Upon a determination of ineligibility by the department, the holder shall surrender the *special parking* permit or [plates] *special plates, or both,* to the department.

Sec. 27. NRS 482.382 is hereby repealed.''.

Amend the bill as a whole by adding the text of the repealed section, following sec. 23, to read as follows:

482.382 Experimental motor vehicle.

1. The department may issue special license plates and certificates of registration for an experimental motor vehicle which meets reasonable motor vehicle safety standards to residents of Nevada who apply for registration under this section.

2. The director in his discretion shall determine whether a particular motor vehicle is experimental and meets reasonable motor vehicle safety standards, and he may adopt regulations for the licensing of experimenters and the reporting of test results and modifications at least annually. Test results reported to the department by a licensee must be kept confidential if the licensee so requests.

3. The fee for a license plate for an experimental motor vehicle is $25 per year, in addition to all other registration and license fees and motor vehicle privilege taxes. The department may renew the license if the results of tests on the vehicle conducted during the immediately preceding 12 months, proposed modifications and any other information relating to the experimental motor vehicle which may be required by the director are supplied by the licensee.

4. For purposes of this section, ''experimental motor vehicle'' means a vehicle which has been modified in design or engine to test innovations which could lead to improvements in fuel economy, control of emissions and safety.''.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 561.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 910.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sections 4 and 5 as sections 1 and 2.

Amend sec. 5, page 4, by deleting lines 29 through 32.

Amend the bill as a whole by renumbering sec. 6 as sec. 4 and adding a new section designated sec. 3, following sec. 5, to read as follows:

"Sec. 3. Section 1 of chapter 170, Statutes of Nevada 1991, is hereby amended to read as follows:

Section 1. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in subsection 2, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $1,000 ..... $25.00

If the sum claimed exceeds $1,000 but does not exceed [$2,500] *$5,000* ..... 35.00

In all other civil actions ..... 25.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $500 ..... 10.00

If the sum claimed exceeds $500 but does not exceed $1,500 ..... 20.00

If the sum claimed exceeds $1,500 but does not exceed $2,500 ..... 30.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

In all civil actions ..... 10.00

For every additional defendant, appearing separately ..... 5.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention ..... 5.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution, or any other writ designed to enforce any judgment of the court ..... 5.00

(g) For filing a notice of appeal, and appeal bonds ..... 10.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court ..... 10.00

(i) For preparation and transmittal of transcript and papers on appeal ..... 10.00

(j) For celebrating a marriage and returning the certificate to the county recorder ..... 35.00

(k) For entering judgment by confession ..... 5.00

(l) For preparing any copy of any record, proceeding or paper, for each page..... .25

(m) For each certificate of the clerk, under the seal of the court..... 2.00

(n) For searching records or files in his office, for each year..... 1.00

(o) For filing and processing each bail or property bond..... 20.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which he may retain as compensation.".

Amend the title of the bill, first line, by deleting "marriage licenses;" and inserting: "fees for marriages;".

Amend the summary of the bill, first line, by deleting "licenses." and inserting "fees.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 640.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 761.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 445.700 is hereby amended to read as follows:

445.700 1. In areas of the state where and when a program is commenced pursuant to NRS 445.630 to 445.670, inclusive, the following fees must be paid to the department of motor vehicles and public safety and accounted for in the pollution control fund which is hereby created as a special revenue fund:

(a) For the issuance and annual renewal of license for an authorized station or a fleet station..... $25

(b) For each set of 25 forms certifying emission control compliance..... 75

(c) For each form issued to a fleet station..... 3

2. *In addition to the fees imposed pursuant to subsection 1, a surcharge of $8.50 for each form issued to a fleet station must be paid to the department of motor vehicles and public safety and accounted for separately in the pollution control fund.*

*3.* Except as otherwise provided in subsections [4, *5* and 6,] *5, 6 and 7,* all fees must be used by that department as needed to carry out the provisions of NRS 445.610 to 445.710, inclusive.

[3.] *4.* The department of motor vehicles and public safety may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including maximum charges for those fees, and for the posting of those fees in a conspicuous place at the authorized station.

[4.] *5.* The department of motor vehicles and public safety may by regulation establish a program to award [grants] *:*

*(a) Grants* of excess money in the pollution control fund to air pollution control agencies established pursuant to NRS 445.456 or 445.546. As used in this [subsection,] *paragraph,* "excess money" means the money in excess of $500,000 remaining in the pollution control fund at the end of the fiscal year.

[5.]

*(b) Grants of money from the proceeds of the surcharge imposed pursuant to subsection 2 for the reimbursement of the cost of acquiring and installing specialized nozzles and other equipment to control emissions of vapor into the air when motor vehicle fuel is dispensed into motor vehicles.*

*6.* Any regulations adopted pursuant to subsection [4] *5* must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection [4] *5* or NRS 445.630.

[6.] *7.* Grants proposed pursuant to subsections [4 and] 5 *and 6* must be submitted to the chief of the registration division of the department of motor vehicles and public safety and the administrator of the division of environmental protection of the state department of conservation and natural resources. Proposed grants approved by the chief and the administrator must not be awarded until approved by the interim finance committee.

Sec. 2. Grants of money may be made pursuant to paragraph (b) of subsection 5 of NRS 445.700 only with regard to original installations of nozzles and other equipment which are made on or after July 1, 1991.

Sec. 3. 1. This act becomes effective on July 1, 1991, and expires by limitation on July 1, 1993, except for the purpose of disbursing money attributable to surcharges paid pursuant to subsection 2 of NRS 445.700 during April, May and June of 1993.

2. Any balance remaining in the pollution control fund on October 1, 1993, which is attributable to surcharges paid pursuant to subsection 2 of NRS 445.700, may be used for any purpose consistent with the authorized uses of the fund.".

Amend the title of the bill to read as follows:

"An Act relating to air pollution; imposing a surcharge on forms certifying emission control compliance issued to a fleet station; authorizing the use of the surcharge for the reimbursement of the cost of acquiring and installing specialized nozzles and other equipment to control emissions of vapor from motor vehicle fuel; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes surcharge on forms for fleet stations for reimbursement of cost of special nozzles to recover vapor from motor vehicle fuel. (BDR S-1656)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 690.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 755.

Bill read second time.

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

Amendment No. 859.

Amend section 1, page 1, line 3, by deleting "*Access*" and inserting: "*Except as otherwise provided in subsection 2, access*".

Amend section 1, page 1, line 9, after "2." by inserting: "*Records relating to the wages, pensions, retirement and other benefits, leave and travel expenses of each public employee are not confidential.*

*3.*".

Amend sec. 2, page 2, by deleting lines 4 through 17 and inserting:

"2. *The employer shall notify the employee of any document placed in the employee's record of employment which addresses or contains material that could lead to disciplinary action or otherwise pertain to his demotion or promotion or the termination of his employment. The employer shall allow the employee to submit a written response to that document. Any such written response must be maintained in the record of employment of the employee.*

*3. An employer may maintain a separate confidential investigative file during the course of an active investigation into alleged misconduct or inappropriate behavior by an employee. If, as a result of the investigation, disciplinary action is initiated against the employee, the employer shall furnish the employee with a complete copy of the contents of the file. If no disciplinary action is initiated within 6 months after the investigation ceases, the employer shall not use the contents of the investigative file in the course of any subsequent disciplinary proceeding or other proceeding which is adverse to the employee's continued employment.*

*4. An employer shall not:*

*(a) Include in a record of employment of an employee any document that is:*

*(1) Not related to the employment of that employee, unless the inclusion is authorized by the employee; or*

*(2) Not accurate or complete; or*

*(b) Maintain a secret record of employment of an employee, unless otherwise authorized by a negotiated agreement.*".

Amend sec. 2, page 2, lines 33 and 34, by deleting: "*is guilty of a misdemeanor.*" and inserting: "*shall be fined $500 for each such violation.*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

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

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 772.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 116.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 510.

Bill read second time and ordered to third reading.

Senate Bill No. 524.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 15.

Resolution read second time and ordered to third reading.

## REMARKS FROM THE FLOOR

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I seldom express or vent my ire publicly but I am a little bit troubled by some comments in today's southern Nevada press. Apparently there was an interview with one of the senators and they are attributing, after discussion of cost of session, they attribute that one reason for the impasse, for the loggerhead in trying to bring this session to closure, the senator that they are interviewing who is unnamed, makes this statement, "One reason for the impasse may be that the seven-member Finance Committee is composed of lawmakers with many years of experience," he said. "The 15-member Ways and Means Committee, however, which has six freshmen is still developing a working relationship with the Senate counterparts."

I guess the implication that troubles me is that somehow the freshmen, or any member of my committee is somehow less capable than any senators on the other side. I wanted to publicly express my dismay at such a notion. I would challenge any member of Senate Finance to go heads up with Commander Coy or party-down Phil any time they feel so

inclined. I think our committee is superb. I think the decisions we've made are good decisions and I want the freshmen in particular on my committee to know that I am offended by any other implication. I'm proud of them and I think they deserve our congratulations for their hard work.

MR. SPEAKER:

Thank you, Mr. Callister. I think those words are very timely. I think if the press would look at the record you will see that the Ways and Means Committee finished its budget a week ago. We can't go any further until the Senate concludes its budget work. We are ready to meet any time, any place, at any hour to work on the budget and finally conclude this session and that challenge is there.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 171, 259.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Doris Wartman, Donna Shilinsky, Gail Bishop, Messrs. Gerald Prindiville, Thomas Leigh, Robert Flickinger, Marv Teixeira, James Seastrand and Frank Sperry.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 30, 1991 at 10:30 a.m., and that it do so in honor and in memory of Richard Blair Woods.

Motion carried.

Assembly adjourned at 1:09 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTIETH DAY

CARSON CITY (Thursday), May 30, 1991

Assembly called to order at 10:52 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill Helmstetter.

Dear Lord, life has grown so complicated and entangled. There seldom seems to be simple answers or easy solutions. We pray that You would grant this body of representatives the understanding and insights needed to make the wisest and best decisions possible. We pray in Thy name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 444, 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 745; Assembly Joint Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 784, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 749, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 577 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 35 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 50 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 308, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 483, 491, 551, 562, 583, 587.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 58, 123, 402.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 22.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Myrna Williams, Wong, Hardy, Anderson, Haller, Bache, Bayley, Lambert, McGinness, Goetting, Spitler, Pettyjohn, Scherer, Sader, Little, Arberry, Giunchigliani, Krenzer, Johnson, Stout, Elliott, Norton, Carpenter, Petrak, Gibbons, Freeman, Callister, Porter, Gregory, Kerns, Garner, Evans, McGaughey, Bergevin, Spriggs, Heller, Marvel, Bennett, Humke and Wendell Williams:

Assembly Concurrent Resolution No. 92—Memorializing former legislative employee, Mary Nichols.

WHEREAS, The members of the Nevada Legislature note with profound sorrow, the passing of Mary Nichols, long-time employee of the Nevada Legislative Counsel Bureau; and

WHEREAS, Mary Michelle Nichols was a native Nevadan, born on October 16, 1945, in Reno, to Robert and June Van Sant Dugdale; and

WHEREAS, A 1963 graduate of Manogue High School, Mary attended the University of Nevada, Reno, and was employed in the Serials Department of the university's library from 1968 through 1975; and

WHEREAS, Mary Nichols was employed as a librarian by the Research Division of the Legislative Counsel Bureau in 1978 and continued in this capacity until her death on November 26, 1990; and

WHEREAS, Mary was known for her cheerful attitude and willingness to help, whether it be in response to a Legislator's request, a request from a member of the Legislative Counsel Bureau's staff or an inquiry from the public; and

WHEREAS, Mary Nichols had an extraordinary ability to remember details and she exhibited the highest degree of dedication and competence; and

WHEREAS, Although Mary's absence this session has been felt by her many friends, the memory of her quick wit, wonderful smile and willingness to go the extra mile will be long-remembered; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature express their heartfelt condolences to the family of Mary Nichols for the loss they have suffered; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mary Nichols' beloved sons Roger Drum of Silver City and Ryan Drum of Reno, her mother June Dugdale of Reno and her brother Robert Dugdale of Eugene, Oregon.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Evans, Humke, Callister and Mr. Speaker.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I move the adoption of A.C.R. No. 92. Mr. Speaker, to you and through you to this honorable body and the friends and colleagues of Mary who are gathered behind us this morning, it is with a mixture of sorrow and a degree of pleasure because of showing our love for the loss of our friend, employee and colleague here in the building for so many years that I rise in support of this.

For those of us who are returning, we remember Mary as a bright, cheerful, beautiful inside-and-out person who was in our library. I have to say I used to start almost every day by coming into the building and going into the library and saying good morning to Mary for that cheerful smile that she was so famous for, and, of course, I depended on her hundreds, if not thousands, of times for instant research into matters that the library handled. She was certainly a bright spot and a cheerful spot in our hard-working days, for so many years, and we regret her not being with us now.

I think, for those of us who were at the funeral a few months ago, the love of those who talked and memorialized her, and all of her friends and colleagues, it certainly showed that she was a person that we all admired. I am happy today that we are memorializing Mary, and I'm so pleased that her family—I guess it was last session that Roger, her son, over with Mr. Callister, was one of our Sergeant at Arms and worked ably and, like his mother, was a pleasant, hard-working person. So we had both of the family here at that point in time. I am very pleased to be able to do our small part in memorializing Mary Nichols for all of the service that she gave to the state, not only at the University, but in the Legislature.

We called her "Silver City Mary." She was really a character because she could mix with everyone from some of those wild characters from Silver City up to the black tie affairs that we have to attend and people that we deal with. She handled it all wonderfully. She is sorely missed and will be remembered for a long time by those who worked with her.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of A.C.R. No. 92. As the people over in the library will tell you, I'm sort of a pest. Not just during the legislative session, but in an ongoing way. I'm always calling and asking for this, that or the other, and it was always such a delight when I got Mary on the line. Sometimes I would have to request her because she somehow had a way of knowing what I needed better than I could express. That's what I really need is somebody who can read my mind. Mary had a way of going right to the source, getting exactly what I needed in a very quick way, always with helpfulness, good humor, and I am one of those people who miss her greatly.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of the resolution. I, too, would like to lend some words to Mary's memory. She was sunshiny—that's a trite expression—but she was always a ray of sunshine. I think back to phone conversations—the sunshine came through the phone—when you were calling to request something. Another expression that is sometimes considered trite is that she was sweet; she wrote the book on sweetness. For the new members who didn't have the benefit of knowing her, there are three additional terms that come to mind. If you take all the staff that you have met during the session, the new people, and you find the person that is kindest, the most gracious and the most competent, if those staff members will please forgive me, if you would take that ideal person times two or times three, that would be what Mary Nichols was like.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I just wanted to briefly rise in support of the resolution and echo the sentiments of my associates here. You know, so frequently I think we who sit here in the limelight, in front of the cameras, talking to the reporters, most of the time if we have anything meritorious or worthwhile to say at all, that if we're lucky enough to, it's because some staff person, typified by Mary, put those words in our mouth. Too frequently we forget those who stand in the shadows who make us sound like we know what we're talking about and I think she and all our staff typify that.

Also, I would like to express my condolences to the family and acknowledge that perhaps my closest association in the last six years that I've been here has been with Roger who is joining me here today—mostly because we listen to the same kind of music.

MR. SPEAKER:

I, too, would like to lend my support to the resolution, if I might speak from here. I have known Mary for many years as she was one of my constituents at one time as her son is now. It is a fine family and we sorely miss her here at this session.

Resolution adopted unanimously.

Assemblyman Price moved that all rules be suspended and that Assembly Concurrent Resolution No. 92 be immediately transmitted to the Senate.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:09 a.m.

## ASSEMBLY IN SESSION

At 11:23 a.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 26.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 26:

YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spriggs moved that Assembly Bill No. 489 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Spriggs.
Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 195.
Bill read third time.
Remarks by Assemblymen Haller and Goetting.
Roll call on Assembly Bill No. 195:

YEAS—42.
NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 290.
Bill read third time.
Remarks by Assemblymen Heller and McGaughey.

Roll call on Assembly Bill No. 290:

YEAS—42.

NAYS—None.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 585.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 585:

YEAS—42.

NAYS—None.

Assembly Bill No. 585 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 590.

Bill read third time.

Remarks by Assemblymen Callister, Johnson, Marvel, Myrna Williams, Anderson, Haller, Humke, Price, Petrak and Mr. Speaker.

Assemblymen Porter, Evans and Garner moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 590.

Roll call on Assembly Bill No. 590:

YEAS—33.

NAYS—Bayley, Johnson, Lambert, Little, Petrak, Pettyjohn, Spriggs, Stout, Wong—9.

Assembly Bill No. 590 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 690.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 690:

YEAS—42.

NAYS—None.

Assembly Bill No. 690 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 772.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 772:

YEAS—41.

NAYS—Stout.

Assembly Bill No. 772 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Senate Bill No. 116:

YEAS—41.

NAYS—None.

Not voting—Hardy.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblymen Humke and Scherer.

Roll call on Senate Bill No. 396:

YEAS—40.

NAYS—Haller, Hardy—2.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 510.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Senate Bill No. 510:

YEAS—42.

NAYS—None.

Senate Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblymen Marvel and Scherer.

Roll call on Senate Bill No. 524:

YEAS—42.

NAYS—None.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblymen Myrna Williams, Pettyjohn and Freeman.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Senate Joint Resolution No. 15 expresses support for the Baltic States of Lithuania, Latvia and Estonia in their efforts to restore independent sovereignty. The resolution highlights progress towards democracy in the Soviet Union, but it condemns the recent brutal attacks by the Soviet Union against the people of the Baltic States.

The resolution urges President Bush and the United States Congress to review all economic benefits provided by the United States to the Soviet Union and take whatever action deemed necessary to ensure that all further use of force by the Soviet Union to impose its will upon the people of the Baltic States will cease immediately. It further urges the President and Congress to pursue the strengthening of diplomatic ties with the Baltic States to demonstrate this country's support for the restoration of the sovereignty of those states.

May I say to the members, Mr. Speaker, as with any resolution, this is the voice of the people of Nevada going to the President, suggesting to him what our feelings are. This is not mandatory; this is an informational tool. That's what resolutions are and that's how our government finds out how the people in this country feel about things.

ASSEMBLYMAN PETTYJOHN:

Thank you, very much, Mr. Speaker. I don't rise to urge anyone to vote for or against this resolution. I simply rise to state or explain my position for my "no" vote. No one can deny that the basic sentiment of this resolution is correct. Also, no one can suggest or infer from my remarks or my vote that I am in opposition to that sentiment.

Most of you are aware that I spent 30 years of my life in a profession dedicated to the notion that communism or any other totalitarian form of government, and, in particularly, as in the case of this resolution, the Soviet Union, is inherently evil and is wrong.

I spent six years of my military career living in Western Europe as a part of the NATO military forces in direct opposition to the Soviet Union and its Warsaw Pact allies. I spent another seven years in the Pentagon where I dealt directly with the problem of developing policies and acquiring forces to deal with the problem or the task of containing the spread of Communism throughout the world. I sat directly across the table from the Soviet members as we negotiated the strategic arms limitation talks in Geneva, Switzerland. My life has been a testimony of my personal opposition to and my feeling of repugnance for everything for which they stand. Most importantly, I hold most repugnant the Soviet Union's propensity to spread its influence and control by force and by tyranny.

My objection is in the content and the form of this resolution. I simply believe it is not appropriate for this state, even in the form of a resolution, to dictate or to suggest to the President of the United States that he has not done those things which this resolution urges him to do. Those actions have already taken place. I think that we dilute the effect of our resolutions if we want to send a strong message in the future. Any time we send some which are, I will perhaps use too strong a term now, say frivolous, and this is not frivolous; certainly those people who crafted this are sincere about it. But if we want the effect of our resolutions to have an import then we ought to send them rather sparingly. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of this resolution. As a matter of fact I introduced the same resolution. It's A.J.R. No. 16. Because of a mix up during the day that I testified, it's the Senate resolution that did pass. I would like to echo the comments of my colleague from Las Vegas and I do support this resolution.

Roll call on Senate Joint Resolution No. 15:

YEAS—36.

NAYS—Goetting, Kerns, Pettyjohn, Spriggs, Wendell Williams, Wong—6.

Senate Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 577.

Bill read third time.

Remarks by Assemblymen Arberry, Wong, Freeman and Bergevin.

Assemblyman Scherer requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. A.B. No. 577 freezes the bill charges of major Nevada hospitals for the period beginning July 1, 1991 through June 30, 1992. In addition, the amount by which bill charges may be increased on each of the three sequential fiscal years is limited to the percentage of the medical component of the Consumer Price Index of the preceding fiscal year. Such increases may be made after the hospitals have been notified by the Director of Nevada Department of Human Resources of the following percentage. Also a major hospital is defined as one having 200 or more licensed beds or one within a group of affiliated hospitals which have a combined total of 200 licensed beds in the county which is not operated by a governmental agency. The limitations are per charges based upon a charge master submitted to the DHR on July 1, 1991. Certain other increases are allowed with approval of the DHR Director including increases to offset any new taxes or in cases by which a major hospital would consider the financial condition so weakened that the quality of care provided was seriously jeopardized by the provisions of A.B. No. 577. Penalties are provided for the major hospitals which willfully and intentionally violate the provisions concerning price increases.

A.B. No. 577 requires a major hospital to reduce the total bill charge by at least 30 percent to patients who do not have private or public health insurance and who make reasonable arrangements within 30 days after discharge to pay their hospital bills.

The bill also requires major hospitals to establish a foundation to promote and encourage the practice of nursing in the hospitals. In addition, the bill requires a hospital-created program which will provide technical assistance in rural hospitals in cooperation with the University's Medical School, the Governor's office and rural hospital organizations and also promote willingness and physical fitness in prevention of disease and accidents. This measure also creates a bureau of service for health care patients within the Nevada insurance division. The bureau is authorized to arbitrate billing disputes between patients and hospitals. Out of the program and provisions of A.B. No. 577 include the cost of monitoring and compliance with the requirements concerning charge increases are supported by assessment of the major hospitals. In addition, hospitals other than federal or state hospitals with 49 or more licensed beds are required to help fund the bureau of service for health care patients. Additionally, the bill requires Nevada division for the review of health resources and costs included in its quarterly publication of Nevada hospital charges and information regarding each hospital's contract which provide discounts on bill charges or certain categories of pairs. This information is also included in certain reports filed by DHR.

Finally, A.B. No. 577 authorizes the Governor to establish a task force to study the issues of public health policy. The major hospitals are required to fund the task force which will report its findings and recommendations to the Governor and the Legislature by September 1, 1992.

ASSEMBLYMAN WONG:

Thank you, Mr. Speaker. To you and through you to this honorable body. I rise in opposition to A.B. No. 577, not for what it does but for what it fails to do. When I came to this body my constituents clearly advised me of their priorities—the major issue was hospital cost containment. This bill, A.B. No. 577, will only perpetuate Nevada's top position in hospital costs. A similar effort in 1987 led to the current plight we are in today. A recent UNLV poll, which I have right here, shows that more than nine out of 10 people in the State of Nevada supported a rate-setting commission. A.B. No. 577 is a cruel ruse to the voters of Nevada, and I can assure that the 67th session of this body will once again deal with hospital costs.

A top hospital executive recently told me Nevada will experience a 300 percent increase by the year 2000. Given that position, we must strictly regulate hospital costs. A rate-setting commission like Maryland is the only viable solution. I will not break faith with my constituents and will be voting no on A.B. No. 577 and encourage my fellow legislators to consider a like response.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker, for the second time. All due respect to my colleague from southern Nevada. I feel that A.B. No. 577 was basically the birth child from A.B. No. 289. A.B. No. 577 is a step in the right direction. A vote no against this is basically sending a message to the people of this state that you are really not concerned about health care. Even though this might not be a perfect piece of legislation, it is a piece of legislation that most of us can live with and feel that it is letting the public know that we are concerned about the high cost of health care, not only in this state, but in the country. I feel that if we get it to the Senate in the late efforts of this session, coming to a wind down, that we need to let the public know that we care. We need to send a straight message that A.B. No. 577 is that good and perfect message.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of A.B. No. 577. This was a sincere effort by the executive branch and by the hospital industry to come to a resolution of the problem of high health care costs in this state. We all know how high it is. I have sat on the statutory committee on health care for some five years, along with my colleague from Las Vegas, Mr. Arberry. We are certainly aware of the many problems. This bill does have some real strengths. One, it directs its attention to outpatient costs which were not considered in A.B. No. 289 which was one of the major problems when we passed that bill out four years ago. We have seen some major problems as a result of that. It rolls back the cost of health care for people who cannot afford their own. It provides funding for nursing education which has been a major topic of conversation during the past five years. I would also like to point out to my colleague from Las Vegas, Mr. Wong, that we did have the director of the commission of Maryland come to speak to us one evening at a joint meeting of the Senate and Assembly health care committees and describe to us how the system worked. In discussing it with various people who are very learned in this area, it would be very difficult for Nevada to have a rate setting commission similar to Maryland's and there is a very good reason for that—you must have a Medicare waiver. In order to have that waiver, the state is required to fund Medicare at a certain level. Because most states are having funding problems and are unable to come up to that level some states have even lost the Medicare waiver and it sometimes takes six to seven years to get it. So it's certainly something to discuss in the future but at this time it is not really feasible for the State of Nevada. I would ask you to support this. There is a task force planned so that we'll review this. I know that we're all sick of hearing of studies and reviews and so on, but I think this is an honest effort. I am personally meeting with some of the people in the industry and am willing to work with them in study groups or whatever we need to do to benefit the people of Nevada.

ASSEMBLYMAN BERGEVIN:

Thank you, Mr. Speaker. I would just like to ask a question of my colleague from Las Vegas. There's a $237,000 fiscal note for the fiscal year 1991-1992 with an ongoing fiscal year cost of $168,000. I want to know if this is in the executive budget.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you to my colleague. Yes, the fiscal note on this is the amount of money that is going to be placed by the hospitals. It isn't any money coming from the general fund or from the budget at all.

ASSEMBLYMAN BERGEVIN:

Then I would have to ask another question. If the hospitals have to reduce their costs by 30 percent, to those that can't afford it, and pay an additional quarter of a million dollars into the state coffers to administer this program, you are, in effect, creating a situation

where you're cutting deeply into their profit line. Somebody's going to have to pay for that, and I presume it's going to be the patients that pay—not those that can't afford to pay the higher costs for hospital care. Can you answer that question please?

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you to my colleague. Yes, with this bill, it might look like I'm not for profit. I think any business should have the responsibility to make a profit. When we have a problem with high health care costs in this state, this basically isn't really taking away from their profits. This is just showing the hospitals that they need to be a little bit more responsible. That is the scenario here.

Assemblymen Porter, Myrna Williams and Garner moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 577.

Roll call on Assembly Bill No. 577:

YEAS—28.

NAYS—Bergevin, Carpenter, Elliott, Goetting, Humke, Kerns, Little, McGaughey, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wong—14.

Assembly Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

The following amendment was proposed by Assemblyman Freeman:

Amendment No. 606.

Amend sec. 2, page 2, line 30, by deleting "A registered nurse" and inserting: "[A registered nurse] *An advanced practitioner of nursing*".

Amend sec. 2, page 2, lines 40 and 41, by deleting "a registered nurse" and inserting: "[a registered nurse] *an advanced practitioner of nursing*".

Amend sec. 2, page 2, line 43, by deleting "registered" and inserting "[registered]".

Amend sec. 2, page 2, line 45, by deleting "registered" and inserting "[registered]".

Amend sec. 2, page 2, line 47, by deleting "registered" and inserting "[registered]".

Amend sec. 2, page 3, line 1, by deleting "registered" and inserting "[registered]".

Amend sec. 2, page 3, line 10, by deleting "registered nurse" and inserting: "[registered nurse] *advanced practitioner of nursing*".

Amend sec. 2, page 3, lines 13 and 14, by deleting "a registered nurse" and inserting: "[a registered nurse] *an advanced practitioner of nursing*".

Amend the bill as a whole by adding new sections designated sections 3 through 6, following sec. 2, to read as follows:

"Sec. 3. NRS 453.126 is hereby amended to read as follows:

453.126 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatrist who holds a valid license to practice his profession in this state and is registered pursuant to this chapter.

2. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to possess, administer or dispense controlled substances.

3. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice in this state.

4. A euthanasia technician who is licensed by the Nevada state board of veterinary medical examiners and registered pursuant to this chapter, when he possesses or administers sodium pentobarbital pursuant to his license and registration.

Sec. 4. NRS 453.377 is hereby amended to read as follows:

453.377 A controlled substance may be dispensed by:

1. A registered pharmacist upon a legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge.

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer.

3. A practitioner or a physician's assistant if authorized by the board.

4. A registered nurse, when the state, county, city or district health officer has declared a state of emergency.

5. A medical intern in the course of his internship.

6. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense controlled substances.

7. A pharmacy in an institution of the department of prisons to a person designated by the director of the department of prisons to administer a lethal injection to a person who has been sentenced to death.

8. A registered pharmacist from an institutional pharmacy, pursuant to regulations adopted by the board.

Sec. 5. NRS 454.215 is hereby amended to read as follows:

454.215 A dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician's assistant if authorized by the board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the board;

5. A medical intern in the course of his internship;

6. [A registered nurse] *An advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense dangerous drugs;

7. A registered nurse employed at an institution of the department of prisons to an offender in that institution; or

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the board,

except that no person may dispense a dangerous drug in violation of a regulation adopted by the board.

Sec. 6. NRS 454.221 is hereby amended to read as follows:

454.221 1. Any person who furnishes any dangerous drug except upon the prescription of a practitioner shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his own patients;

(b) A physician's assistant if authorized by the board;

(c) A registered nurse while participating in a public health program approved by the board, or [a registered nurse] *an advanced practitioner of nursing* who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to possess and administer or dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a district health officer to the holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210 to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the director of the department of prisons to administer a lethal injection to a person who has been sentenced to death.".

Amend the title of the bill to read as follows:

"An Act relating to pharmacy; requiring a physician's assistant to pass an examination on the law relating to pharmacy before being authorized to dispense controlled substances, poisons, dangerous drugs or devices; limiting the authority of registered nurses to dispense such substances to advanced practitioners of nursing; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing authority of physician's assistant or registered nurse to dispense controlled substances and dangerous drugs. (BDR 54-873)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Porter.

Assemblyman Porter moved that Senate Bill No. 35 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 12:34 p.m.

## ASSEMBLY IN SESSION

At 12:44 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 572, 573, 576.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 127, 472, 529.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 261, 331, 745, 749, 784; Assembly Joint Resolution No. 24; Senate Bills Nos. 333, 444, 460, 464, 554 and Senate Joint Resolution No. 17 be placed on the Second Reading File.

Motion carried.

By Assemblymen Dini, Bache, Myrna Williams, Porter, Heller, Haller, Freeman, Krenzer, Spitler, Arberry, Spriggs, Hardy, Petrak, Evans, Carpenter, Elliott, Little, Garner, Wendell Williams, Kerns, Stout, Marvel, Gibbons, Wong, Goetting, Gregory, Bergevin, Lambert, Anderson, McGinness, Scherer, Johnson, Bennett, Pettyjohn, Giunchigliani, Norton, Bayley, Humke, Sader, McGaughey, Callister and Price:

Assembly Concurrent Resolution No. 93—Memorializing renowned Nevada architect, Graham Erskine.

WHEREAS, The members of the Nevada Legislature note with sorrow and regret the death of Graham Erskine on April 23, 1991; and

WHEREAS, Graham Erskine, a native of New York, resided in Reno for the past 45 years; and

WHEREAS, Graham Erskine received a degree in architecture from Columbia University of Rome in Italy; and

WHEREAS, Graham Erskine was a leader in the profession of architecture in Nevada, authoring Nevada's first licensing act for architects in 1949 and founding the Northern Nevada Chapter of the American Institute of Architects; and

WHEREAS, Graham Erskine perhaps is best remembered as the architect who designed the Legislative Building in Carson City, which was first used for the legislative session of 1971 and has served the Nevada State Legislature effectively since that time; and

WHEREAS, Other significant buildings in northern Nevada designed by Graham Erskine include Reno High School, Hug High School, Harold's Club, the Nevada Bell Administration Building and the Granada Theatre; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature offer their sincere condolences to Mr. Erskine's wife, Jeanne S. Erskine, sons, John Peter and Ivan Erskine, sister, Anna E. Murch, and five grandchildren; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Erskine's loving wife, Jeanne.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Resolution adopted unanimously.

By Assemblymen Dini, Bache, Myrna Williams, Porter, Heller, Haller, Freeman, Krenzer, Spitler, Arberry, Spriggs, Hardy, Petrak, Evans, Carpenter, Elliott, Little, Garner, Wendell Williams, Kerns, Stout, Marvel, Gibbons, Wong, Gregory, Bergevin, Goetting, Lambert, Anderson, McGinness, Scherer, Johnson, Bennett, Pettyjohn, Giunchigliani, Norton, Bayley, Humke, Sader, McGaughey, Callister and Price:

Assembly Concurrent Resolution No. 94—Memorializing Nevada's first archivist, Frederick Charles Gale.

WHEREAS, The members of the Nevada Legislature were saddened to learn of the recent passing of Frederick Charles Gale, Nevada's first archivist; and

WHEREAS, Mr. Gale was born on June 27, 1922, in London, England, to Arthur Charles and Emily Elizabeth Hempstead Gale; and

WHEREAS, Mr. Gale enrolled in the Royal College of Music in London and became a professional pianist, organist and music teacher and he also attended St. Mary's Hospital, obtaining certification as a registered nurse and a lab technician; and

WHEREAS, During World War II, because of his competence and ability in the medical field, Frederick Gale served in the British Royal Navy in charge of sick bay and as a medic in the field; and

WHEREAS, Mr. Gale set up the first anatomy lab at the University of British Columbia and also at U.C.L.A. where he later taught anatomy; and

WHEREAS, After moving to Nevada, Mr. Gale set up special collections for the University of Nevada, Reno; and

WHEREAS, The people of the State of Nevada will forever be indebted to Frederick Gale for the conscientious effort he expended in setting up Nevada's archives when requested to do so by the then Secretary of State, John Koontz; and

WHEREAS, In addition to being Nevada's first archivist, Mr. Gale was the first coroner in Carson City and he organized the coroner system at the request of the late Justice of the Peace Tom Davis; and

WHEREAS, Frederick Gale was a member of the F.&A.M., Elphinstone Lodge, Gibson, British Columbia, Canada, the Chairman of the Muscular Dystrophy Association in California and Northern Nevada and a life-time member of the Carson Valley Historical Society; and

WHEREAS, Mr. Gale is survived by his wife C. Maurine Gale of Carson City, stepson, John Camerer of Fresno, California, daughter, Jerylanne Gale of Reno, brother, Eric Gale of London, and two grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature extend their sincere condolences to the family of Frederick Charles Gale; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Gale's loving wife Maurine Gale.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.
Resolution adopted unanimously.

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

Assembly in recess at 12:53 p.m.

## ASSEMBLY IN SESSION

At 12:54 p.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 95—Amending the Joint Rules of the Senate and Assembly for the 66th legislative session to remove certain limitations concerning the length of session.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Rule 17 of the Joint Rules of the Senate and Assembly as adopted by the 66th session of the Legislature is hereby amended to read as follows:

17

[LIMITATIONS ON] DATE OF FIRST [AND LAST] JOINT BUDGET [HEARINGS, DATE OF PASSAGE OF APPROPRIATION AND AUTHORIZATION BILLS AND LENGTH OF REGULAR SESSION] HEARING

[1.] The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[2. The last joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 117th calendar day of the regular session.

3. All general appropriation and authorization bills must be finally passed by both houses on or before the 124th calendar day of the regular session.

4. The Legislature shall adjourn sine die on or before the 131st calendar day of the regular session.]

Assemblyman Myrna Williams moved the adoption of the resolution.
Remarks by Assemblyman Myrna Williams.
Resolution adopted unanimously.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolutions Nos. 93, 94 and 95 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 26, 195, 290, 577, 585, 590, 690, 772; Senate Bills Nos. 116, 396, 510, 524 and Senate Joint Resolution No. 15 be immediately transmitted to the Senate.
Motion carried unanimously.

Senate Joint Resolution No. 22:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 792—An Act relating to the state legislature; redistricting the legislative districts of the Nevada legislature on the basis of population; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 793—An Act relating to the state legislature; redistricting the legislative districts of the Nevada legislature on the basis of population; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By Assemblyman Giunchigliani:

Assembly Bill No. 794—An Act relating to the state contractors' board; requiring the board to establish and administer an escrow account for the receipt of deposits paid to contractors; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 795—An Act relating to the financial administration of the state; requiring the governor to submit a budget for the executive branch of state government that would not require additional revenue; allowing the governor to submit a second budget that includes expenditure of additional revenue; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 796—An Act relating to wildlife license agents; providing for the payment of interest and penalties on late payments of money collected by license agents for the department of wildlife; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 797—An Act relating to prison industries; imposing interest on certain late payments designated for the fund for prison industries; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 58.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 123.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 127.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 402.

Assemblyman Porter moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

Senate Bill No. 472.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 483.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 491.

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

Motion carried.

Senate Bill No. 529.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 551.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 562.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 572.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 573.

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

Motion carried.

Senate Bill No. 576.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 583.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 587.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 857.

Amend section 1, page 2, by deleting lines 8 through 10 and inserting:

"*5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in [subsection 4,] *subsections 4 and 5,* the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. [No] *Except as otherwise provided in subsection 5, no* pupil may be suspended or expelled until he has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an

ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his removal, and pending proceedings, to be conducted as soon as practicable after removal, for his suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted under this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

*5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:*

*(a) Suspended from school pursuant to this section for not more than 10 days.*

*(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Education of the Handicapped Act (20 U.S.C. §§ 1400 et seq.).*".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 745.

Bill read second time.

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

Amendment No. 934.

Amend sec. 2, page 2, line 47, after the period by inserting: "*In no case may the board take any official action at such a meeting.*".

Amend sec. 2, page 3, line 2, by deleting: "*perform related functions*" and inserting: "*conduct the official business of the association or sponsoring organization*".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 749.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 911.

Amend sec. 3, page 2, by deleting lines 12 through 21 and inserting: "than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. No prosecuting attorney may dismiss a charge of violating the provi-".

Amend sec. 3, page 2, lines 31 and 32, by deleting "an honor" and inserting "a conservation".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Arberry moved that Assembly Bill No. 749 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 784.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 24.

Resolution read second time.

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

Amendment No. 918.

Amend the resolution, page 2, by deleting lines 2 through 5 and inserting: "otherwise [.] *; and*

*(b) Enter into installment or lease purchase agreements if the state's obli-*".

Amend the title of the resolution, second and third lines, by deleting: "to finance the purchase of certain securities and".

Amend the summary of the resolution, first and second lines, by deleting: "to finance the purchase of certain securities and".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 333.

Bill read second time and ordered to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Senate Bill No. 460.

Bill read second time and ordered to third reading.

Senate Bill No. 464.

Bill read second time and ordered to third reading.

Senate Bill No. 554.

Bill read second time.

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

Amendment No. 858.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 618.315 is hereby amended to read as follows:

618.315 1. The division has authority over working conditions in all places of employment except as limited by subsection 2.

2. The authority of the division does not extend to working conditions which:

(a) Exist in household domestic service;

(b) Exist in motor vehicles operating on public highways of this state;

(c) Are regulated by the administrator of the division of mine inspection under the provisions of chapter 512 of NRS; or

(d) Are regulated pursuant to the Federal *Mine* Safety and Health Act of 1977 (30 U.S.C. §§ 801 et seq.), the Federal Safety Appliances Act (45 U.S.C. §§ 1 et seq.) or the Federal Railroad Safety Act of 1970 (45 U.S.C. §§ 421 et seq.).

3. The division may:

(a) Declare and prescribe which safety devices, safeguards or other means of protection are well adapted to render employees safe as required by lawful order, state standards or regulations or federal standards, as adopted by the division.

(b) Fix and adopt such reasonable standards and prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, which must be as nearly uniform as practicable, as may be necessary to carry out all laws and lawful orders relative to the protection of the lives, safety and health of employees.

(c) Adopt such reasonable standards for the construction, repair and maintenance of places of employment as render those places safe and healthful.

(d) Require the performance of any other act which the protection of the lives, safety and health in places of employment reasonably demands.

(e) Provide the method and frequency of making investigations, examinations and inspections.

(f) Prepare, provide and regulate forms of notices, publications and blank forms deemed proper and advisable to carry out the provisions of this chapter, and to charge to employers the printing costs for those publications.

(g) Furnish blank forms upon request.

(h) Provide for adequate notice to each employer or employee of his right to administrative review of any action or decision of the division as set forth in NRS 618.475 and 618.605 and to judicial review.

(i) Consult with the health division of the department of human resources with respect to occupational health matters in chapter 617 of NRS.

(j) Appoint and fix the compensation of advisers who shall assist the division in establishing standards of safety and health. The division may adopt and incorporate in its general orders such safety and health recommendations as it may receive from advisers.

Sec. 2. NRS 618.345 is hereby amended to read as follows:

618.345 1. The division shall develop and maintain an effective program of collection, compilation and analysis of occupational safety and health statistics. This program may, at the discretion of the department, cover all employments.

2. To carry out the provisions of subsection 1, the division may promote, encourage or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

3. Any accident occurring in the course of employment which is fatal to one or more employees or which results in the hospitalization of five or more employees must be reported by the employer orally or in writing to the nearest office of the division within 48 hours after the accident has occurred.

4. *An industrial insurer shall provide to the division a monthly report indicating the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer, indicate the amount of time lost by employees as a result of such injuries and diseases, and be sorted according to the employer's Standard Industrial Classification or his classification for the purposes of industrial insurance. The division shall by regulation prescribe the form for the report made pursuant to this subsection. As used in this subsection, "industrial insurer" has the meaning ascribed to the term "insurer" in NRS 616.1103.*

*5.* All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

[5.] *6.* The division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as he may from time to time require.

[6.] *7.* Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the division.".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. NRS 618.665 is hereby amended to read as follows:

618.665 Any employer who willfully refuses to submit his records for inspection, as provided by NRS 618.325, to the administrator or his representative must be assessed an administrative fine of [$200] *$500* for each offense.".

Amend the title of the bill, second line, after "health;" by inserting: "requiring monthly reports concerning industrial injuries and occupational diseases;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to occupational safety and health. (BDR 53-2164)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Senate Bill No. 554 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Labor and Management.

Senate Joint Resolution No. 17.

Resolution read second time and ordered to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 35, 73, 149, 169, 171, 221, 244, 246, 289, 324, 330, 425; Assembly Concurrent Resolution No. 88; Senate Concurrent Resolution No. 15.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Shiringlelli, Ms. Curtis, Mrs. Rhyno, Mss. Morley, Mortimore, McDowell, Mesdames Craig, Whittemore, Pannell, Caeson, Riley, Lowe, Mr. Garrison and the following students from Fernley Elementary School, Fernley: Amber Barba, Joe Barda, Lora Brooks, Kirstin Carson, David Chism, Darren Copeland, Kim Craig, Danielle Dent, Tony Dexes, Rogelio Dominguez, Yolanna Dominguez, Asleigh Feddler, Melanie Grays, Amanda Hackman, John Harrison, Michelle Hatch, Leslie Hines, Chris Holden, Misti Johnson, Justin Juliot, Erica Keathley, Strna King, Candice Draper, Able Ortiz, Derek Lowe, Cody McDowell, Kevin Morris, Sergio Pineda, Jon Platt, Al Poleto, Leigh Poleto, Gabe Raines, Brandon Randall, Jeff Rogers, Melissa Rountree, Jamie Wagner, Robert Wells, David Werkkala, Shannon Whittemore, Shawn Whittemore, Annie Wittman, Becky Wejnia, Deego Vallejo, Crystal Lowe, Joey Morrow, Shane Bergeret, Tommy Cook, Cassey Sayder, Jason Juliot, Annelise Lambert, Crystal Lowe, Jeffrey Pannell, Cindy Platt, Tyrell Reeder, Tyler Seldon, Steven Tombom, Ben Chisum, Greg Garrison, Nata-

lia Gonzales, Richard Jones, Tiffany Newman, Justin Riley, Mark Whitcomb, Ashleigh Fredrick, Tom Lupold, Candice Menesini, Janette Quinones, Michael Rajki, Patricia Rodarte and Lee Rogers.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Denton Gehr and the following students from Reed High School: Traci Arzillo, Janelle Bennett, Keith Bohn, Angela Caffaratti, Bart Christensen, Paul Clark, Dawn Davis, Christopher Dimaisip, Chaunce Dolan, Michelle Dziurda, Larissa Frey, Michelle Guthery, Aaron Halfacre, Midori Ishibashi, Fang-Tsai Kuo, Won Leung, Aaron Logan, Sherene Lynch, Amanda Nickles, John Pestka, Jennifer Raddatz, Kimberly Ritchey, Jennifer Roberts, Jason Sanders, Andy Szeto, Travis Vincent, Travis Wall, Nancy Wang, Stefanie Weaver, Brad White and Michael Young.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Masters Isaac Pierce and Isaiah Pierce.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Roger Drum, Ryan Drum, Mesdames Stacy Drum, June Dugdale and Ms. Amber Bodillo.

On request of Assemblyman Spriggs, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Caroline Cosens, Ms. Sarah Cosens and Mr. Brian Cosens.

Assemblyman Evans moved that the Assembly adjourn until Friday, May 31, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:27 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-FIRST DAY

CARSON CITY (Friday), May 31, 1991

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Porter, who was excused.

Prayer by the Chaplain, The Reverend Truman Robbins.

Our Father, we thank You for calling together this great body of people to share in shaping the future of our state. We pray that they will be guided by a deep desire to do the best for this their country as true statesmen rather than traditional politicians. May Your wisdom and understanding truly guide their decisions each day. We entrust to You our very lives. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 124, 293, 583, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 120, 349, 446, 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 765; Senate Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 23, 31, 305, 335, 337, 435, 448, 458, 496, 498, 502, 507, 509, 520, 552, 555, 570, 571, 583, 600, 625, 626, 687, 699, 722.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 249, 349, 369, 433, 455, 487, 501, 573, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 17, 21, 22.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 28, 52, 92, 93, 94, 95.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 798—An Act relating to the City of Sparks; requiring the city attorney be a resident and a registered voter in the city; requiring certain municipal judges be residents of the city and members of the State Bar of Nevada; revising the provisions relating to appointive positions; authorizing additional departments of municipal courts, additional municipal judges and the appointment of alternate municipal judges; providing for a presiding municipal judge; authorizing the appointment of a court administrator; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bills Nos. 580, 765; Senate Bills Nos. 120, 124, 150, 232, 293, 349, 446, 533, 583 and Senate Joint Resolution No. 18 be placed on the Second Reading File.

Motion carried.

Assemblyman Evans moved that Assembly Bills Nos. 86, 331, 347, 557, 561, 640, 755, 784; Senate Bills Nos. 333, 444, 460, 464 and Senate Joint Resolution No. 17 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

## ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 509, 593, 598.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 603, 613.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spriggs moved that Assembly Bill No. 489 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spriggs.

Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 254 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 509.

Assemblyman Evans moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 593.

Assemblyman Evans moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 598.

Assemblyman Evans moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 603.

Assemblyman Evans moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 613.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 580.

Bill read second time.

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

Amendment No. 968.

Amend section 1, page 1, by deleting lines 3 through 21 and inserting: "*The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract awarded by a municipality for work to be done in an urban renewal project.*".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 4 through 7 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 279.500 is hereby amended to read as follows:

279.500 1. [Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in the call for bids for the contract and in the contract such rate and the general prevailing rate for regular, holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

2. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract.] *The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract awarded by an agency for work to be done in a project.*

*2. If an agency provides property for development at less than the fair market value of the property, or provides financial incentives to the developer with a value of more than $100,000, the agency must provide in the agreement with the developer that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the agreement between the agency and the developer. This subsection does not apply to future development of the property unless additional financial incentives with a value of more than $100,000 are provided to the developer.*".

Amend sec. 3, page 2, by deleting lines 40 through 44 and inserting: "inclusive [.] , *except that the provisions of NRS 338.010 to 338.090, inclusive, apply to contracts awarded by the county for work to be done in a project.*".

Amend sec. 4, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 3 on page 4 and inserting:

"6. Any] , *except that the provisions of NRS 338.010 to 338.090, inclusive, apply to contracts awarded by the city for work to be done in a project.*".

Amend sec. 5, page 5, by deleting lines 1 through 5 on page 5 and inserting: "*provisions of NRS 338.010 to 338.090, inclusive, apply to any contract awarded by the director for work to be done in a project.*".

Amend sec. 6, page 5, by deleting lines 32 through 36 and inserting: "*the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract awarded by the director or a municipality for work to be done in a water project.*".

Amend the bill as a whole by adding a new section designated sec. 8 and the text of the repealed sections, following sec. 6, to read as follows:

"Sec. 8. NRS 279.502 and 279.504 are hereby repealed.

TEXT OF REPEALED SECTIONS

279.502 Penalty for nonpayment of stipulated wage. As a penalty to the agency which awarded the contract, the contractor shall forfeit $10 for each calendar day or portion thereof for each workman paid less than the stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract.

279.504 Payroll records; inspection. Each contractor and subcontractor shall keep an accurate record showing the name, occupation and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment lost on division of the house.

Bill ordered engrossed and to third reading.

Assembly Bill No. 765.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 915.

Amend section 1, page 1, line 4, by deleting "2" and inserting "3".

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

Amend sec. 3, page 2, line 7, by deleting "2" and inserting "3".

Amend sec. 3, page 2, line 14, by deleting "2" and inserting "3".

Amend sec. 4, page 2, line 29, by deleting "*2-year*" and inserting "*3-year*".

Amend sec. 6, page 3, line 8, by deleting "*2-year*" and inserting "*3-year*".

Amend the title of the bill to read as follows:

"An Act relating to missing persons; reducing the number of years of continuous absence required before the estate of a missing person may be administered; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Reduces number of years of continuous absence required before estate of missing person may be administered. (BDR 12-1625)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 120.
Bill read second time and ordered to third reading.

Senate Bill No. 124.
Bill read second time and ordered to third reading.

Senate Bill No. 150.
Bill read second time and ordered to third reading.

Senate Bill No. 232.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 941.
Amend sec. 3, page 1, by deleting lines 18 through 22 and inserting:
"Sec. 3. *1. Within 21 calendar days after receiving written notice that a debt secured by a deed of trust made on or after the effective date of this act has been paid or otherwise satisfied or discharged, the beneficiary shall deliver to the trustee the original note and deed of trust, if he is in possession of those documents, and a properly executed request to reconvey the estate in real property conveyed to the trustee by the grantor. If the beneficiary delivers the original note and deed of trust to the trustee or the trustee has those documents in his possession, the trustee shall deliver those documents to the grantor.*

*2. Within 21 calendar days after a debt secured by a deed of trust made on or after the effective date of this act is paid or otherwise satisfied or discharged, and a properly executed request to reconvey is received by the trustee, the trustee shall cause to be recorded a discharge or release of the deed of trust pursuant to section 2 of this act.*

*3. If the beneficiary fails to deliver to the trustee a properly executed request to reconvey pursuant to subsection 1, or if the trustee fails to cause to be recorded a discharge or release of the deed of trust pursuant to subsection 2, the beneficiary or the trustee, as the case may be, is liable in a civil action*".
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 293.
Bill read second time and ordered to third reading.

Senate Bill No. 349.
Bill read second time and ordered to third reading.

Senate Bill No. 446.
Bill read second time and ordered to third reading.

Senate Bill No. 533.
Bill read second time and ordered to third reading.

Senate Bill No. 583.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 907.

Amend the resolution, page 1, by deleting line 27 and inserting: "II, S. 433 introduced by Senator Dale Bumpers and the holding fee for mining claims contained in the proposed budget appropriation of the Office of Management and Budget for the fiscal year 1991-92; and be it further".

Amend the preamble of the resolution, page 1, between lines 5 and 6, by inserting:

"WHEREAS, That body of law contains sufficient authorization for federal, state and local governments and agencies to administer substantial environmental controls with regard to all activities relating to mining; and".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.

Bill read third time.

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

Amendment No. 956.

Amend section 1, page 1, by deleting lines 17 and 18 and inserting: "*legislative members of the advisory committee as chairman and one as vice chairman. After the initial selection of a*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 489.

Bill read third time.

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

Amendment No. 955.

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

"Sec. 10. Section 133 of Assembly Bill No. 221 of this session is hereby amended to read as follows:

Sec. 133. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of [this act,] *Assembly Bill No. 489 of this session,* unless the context otherwise requires:

1. ["Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.

2.] "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

[3.] *2.* "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

[4.] *3.* "Commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

*4. "Common-interest community" has the meaning ascribed to it in section 10 of this act.*

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor under this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of [this act,] *Assembly Bill No. 489 of this session,* and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of [this act,] *Assembly Bill No. 489 of this session,* and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

Sec. 11. Section 137 of Assembly Bill No. 221 of this session is hereby amended to read as follows:

Sec. 137. NRS 278.461 is hereby amended to read as follows:

278.461 1. A person who proposes to divide any land for transfer or development into four or fewer lots shall file a parcel map in the office of the county recorder, unless this requirement is waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land which are due for any part of the fiscal year have been paid.

2. *A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with NRS 278.371, 278.373 to 278.378, inclusive, 278.461, 278.462, 278.464 and 278.466.*

*3.* A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right of way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels which does not result in the creation of any additional parcels.

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

[3.] *4.* A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which are severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the department of transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

[4.] *5.* When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or

plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, and sections 2 and 3 of [this act,] *Assembly Bill No. 489 of this session,* until further divided.

[5.] *6.* Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 254.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 807.

Amend section 1, page 1, by deleting line 8 and inserting:

"(a) Coverage for treatments *using any reasonable and clinically necessary method of treatment for an*".

Amend section 1, page 1, by deleting line 12 and inserting:

"(b) Reimbursement for treatments *using any reasonable and clinically necessary method of treatment for*".

Amend sec. 2, page 1, by deleting line 23 and inserting:

"(a) Coverage for treatments *using any reasonable and clinically necessary method of treatment for an*".

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

"(b) Reimbursement for treatments *using any reasonable and clinically necessary method of treatment for*".

Amend sec. 3, page 2, by deleting line 14 and inserting:

"(a) Coverage for treatments *using any reasonable and clinically necessary method of treatment for an*".

Amend sec. 3, page 2, by deleting line 18 and inserting:

"(b) Reimbursement for treatments *using any reasonable and clinically necessary method of treatment for*".

Amend sec. 4, page 2, by deleting line 28 and inserting:

"(a) Coverage for treatments *using any reasonable and clinically necessary method of treatment for an*".

Amend sec. 4, page 2, by deleting line 32 and inserting:

"(b) Reimbursement for treatments *using any reasonable and clinically necessary method of treatment for*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 799.

Amend sec. 2, page 1, line 4, by deleting "*9,*" and inserting "*10,*".

Amend sections 10 through 14, page 1, by deleting line 18 and inserting:

"Sec. 10. *"Pari-mutuel wagering" means a system of placing wagers on a horse or greyhound race whereby the wager is placed at a window and equipment is used to pay a person's winnings in the precise amount of money wagered by persons who did not win, after deducting taxes owed and commissions charged by the race track.*

Secs. 11-14. (Deleted by amendment.)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 74.

Remarks by Assemblyman Sader.

Assemblyman Scherer requested that Assemblyman Sader's remarks be entered in the Journal.

Mr. Speaker, the amendment is a definition of pari-mutuel wagering that would be in effect for events normally within the purview of the Nevada Racing Commission. As such, we don't have any opposition to it, but we want the record to reflect that the definition of pari-mutuel wagering contained in this amendment and in this chapter, it not be legislative intent, that it be interpreted to define pari-mutuel wagering as stated in Chapter 464.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 313 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 487.

The following Senate amendment was read:

Amendment No. 823.

Amend section 1, page 1, line 8, by deleting "$2,500" and inserting "$5,000".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 487.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 830.

Amend section 1, page 1, line 19, after "*bargaining units*" by inserting: "*consisting of firemen or police officers, as defined in NRS 288.215,*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 249.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 573.

The following Senate amendment was read:

Amendment No. 691.

Amend section 1, pages 1 and 2, by deleting lines 13 through 25 on page 1 and lines 1 and 2 on page 2 and inserting:

"(g) Software for computers;

(h) Books, library materials and subscriptions;

(i) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation; [and]

(j) Motor vehicle fuel for use in any vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government [, may not be] *; and*

*(k) Purchases made with money in a store fund for prisoners in a jail or local detention facility for the provision and maintenance of a canteen for the prisoners,*

*are not* subject to the requirements of this chapter for competitive bidding as determined by the governing body or its authorized representative.

2. The purchase of equipment for use by a local law enforcement agency in the course of an undercover investigation is not subject to the requirements of this chapter for competitive bidding if:

(a) The equipment is an electronic or mechanical device which by design is intended to monitor and document in a clandestine manner suspected criminal activity; and

(b) Purchasing the equipment pursuant to such requirements would limit or compromise the use of such equipment by an agency authorized to conduct such investigations.

3. The governing body of any hospital required to comply with the provisions of this chapter, or its authorized representative, may purchase goods commonly used by the hospital, under a contract properly awarded pursuant to NRS 332.065, without additional competitive bidding even if at the time the contract was awarded:

(a) The vendor supplying such goods to the person awarded the contract was not identified as a supplier to be used by the person awarded the contract; or

(b) The vendor was identified as a supplier but was not identified as the supplier of such goods.

The governing body of the hospital shall make available for public inspection each such contract and any records related to those purchases.

4. Except in cases of emergency, at least 60 days before the expiration of any existing contract for insurance in which the local government is the insured, the governing body shall cause to be given, by advertising or in another manner deemed adequate and desirable by the governing body, notice of the date the contract for insurance expires.

5. Nothing in this section prohibits a governing body or its authorized representative from advertising for or requesting bids.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, third line, by deleting: "local jail or" and inserting: "jail or local".

Amend the summary of the bill, second line, by deleting "local jail." and inserting: "jail or local detention facility."

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 573.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 433.

The following Senate amendment was read:

Amendment No. 794.

Amend section 1, page 4, line 30, by deleting "law," and inserting: "a specific statute,".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 433.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 369.

The following Senate amendment was read:

Amendment No. 841.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 1991.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 369.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 313.

Bill read third time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 964.

Amend sec. 2, page 2, line 5, by deleting: "[A bus] *Bus*" and inserting "Bus".

Amend sec. 2, page 2, between lines 7 and 8, by inserting:

"(h) School bus.".

Amend sec. 2, page 3, after line 5, by inserting:

"[(c)] *(d)* "School bus" has the meaning ascribed to it in NRS 483.160.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 116, 396, 510, 524; Senate Joint Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ginger Bruce, Jodi Wass and the following students from Kingsbury Middle School: Melissa Ahrens, Andy Anderson, Jeremy Sweedlow, Neil Moore, George Bryant, Nikki Grant, Heather Midkiff, Kristy Fiorini and Dusty Clark.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Linda Rackowitz, Judy Bechtoldt, Doris Sheppard and Patricia Deeken.

Assemblyman Evans moved that the Assembly adjourn until Saturday, June 1, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-SECOND DAY

CARSON CITY (Saturday), June 1, 1991

Assembly called to order at 8:21 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Price, who were excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we humbly bow our heads this morning at the beginning of our legislative day and we wish to thank Thee for the many blessings that Thou has poured down upon us. We are grateful for the moisture that we have received in the last several weeks and pray that Thou will continue to bless the western part of the United States with this much needed moisture.

We pray, Father in Heaven, that Thou will bless all the leaders of government from the federal level, state, and especially here at the local level. We pray that during these closing days of the session that we will be more considerate, more patient and more anxious to resolve differences as we work towards closing this session down. We are grateful, Father in Heaven, for all the blessings that Thou has given us and we pray that we will keep Thee ever in mind as we work to bring the session to a close, that we will have the patience and understanding to work one with another and that we can walk away from here when it is all over with good feelings and with the sense of accomplishment that we have come here to achieve. We ask this prayer humbly, asking that Thou be with us and our families while we are away from them, to watch over them and protect them, and keep them from all harm. Let Thy spirit be with us continually during these next few days. We ask this in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 770; Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 632.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, May 31, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 252, 350, 459, 564.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 58.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 580 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 640 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 755 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Assemblymen Giunchigliani, Porter and Evans requested a roll call on Assemblyman Porter's motion.

Roll call on Assemblyman Porter's motion:

YEAS—17.

NAYS—Anderson, Bayley, Bergevin, Carpenter, Elliott, Evans, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wong—23.

Absent—Haller, Price—2.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Assemblyman Porter moved that Senate Bill No. 293 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 333 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 464 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Bergevin moved that Assembly Bill No. 86 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bergevin.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 261 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 331.

Bill read third time.

Remarks by Assemblymen Callister, Norton, Myrna Williams, Petrak, Giunchigliani, Pettyjohn, Humke, Elliott and Carpenter.

Roll call on Assembly Bill No. 331:

YEAS—33.

NAYS—Hardy, Johnson, Lambert, Little, Petrak, Wong—6.

Absent—Haller, Price—2.

Not voting—Goetting.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 347.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Assembly Bill No. 347:

YEAS—32.

NAYS—Hardy, Heller, McGinness, Marvel, Spriggs, Stout, Mr. Speaker—7.

Absent—Haller, Price—2.

Not voting—Carpenter.

Assembly Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 557.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 557:

YEAS—32.

NAYS—Bergevin, Giunchigliani, Goetting, Kerns, Lambert, Pettyjohn, Spriggs, Stout—8.

Absent—Haller, Price—2.

Assembly Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 561.

Bill read third time.

Remarks by Assemblyman Johnson.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Assembly Bill No. 561:

YEAS—39.

NAYS—None.

Absent—Haller, Price—2.

Not voting—Gibbons.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:54 a.m.

## ASSEMBLY IN SESSION

At 9:18 a.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 606.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 45, 237, 532.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 45.

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

Motion carried.

Senate Bill No. 237.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 532.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 606.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 745.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 745:
YEAS—40.
NAYS—None.
Absent—Haller, Price—2.

Assembly Bill No. 745 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 23, 31, 74, 249, 305, 335, 337, 369, 433, 435, 448, 458, 487, 496, 498, 502, 507, 509, 520, 552, 555, 570, 571, 573, 583, 600, 625, 626, 687, 699, 722; Assembly Concurrent Resolutions Nos. 28, 52, 92, 93, 94, 95; Assembly Joint Resolutions Nos. 17, 21, 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Master Ryan McGinness.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 3, 1991 at 10:00 a.m.
Motion carried.

Assembly adjourned at 9:23 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-FOURTH DAY

CARSON CITY (Monday), June 3, 1991

Assembly called to order at 10:18 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, as thousands of high schoolers all over our state graduate this week, we thank You. We thank You for the vitality and dreams of youth. We pray for some of that this week as we hopefully long for something akin to our graduation from here. Please bless them, and please bless us. In the name of the One who has lived this life before.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 344.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 1, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 550, 579, 608, 613, 629, 630, 680, 737, 754, 759.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 160, 554, 566, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 76.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 214, 442.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 355.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 96—Directing the Department of Wildlife to conduct an interim study concerning the system used to issue tags for hunting big game.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:24 a.m.

ASSEMBLY IN SESSION

At 11:08 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 447, 689, 713, 785, 786, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 400; Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 776, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 770.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 916.

Amend the bill as a whole by deleting section 1, renumbering sec. 2 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A licensee shall not operate a gaming device in a restricted area of a public transportation facility without prior approval of the board.*

*2. If approval to operate a gaming device in a restricted area of a public transportation facility is sought for a gaming device located in an area of a public transportation facility that may become a restricted area, the application for approval must be filed with the board at least 15 days before the anticipated restriction of the area or such shorter time as the board may allow.*

*3. As used in this section:*

*(a) "Public transportation facility" has the meaning ascribed to it in NRS 463.177.*

*(b) "Restricted area" means a portion of a public transportation facility for which the access of the general public is restricted or screening of the general public is required.*

Sec. 2. NRS 463.0129 is hereby amended to read as follows:

463.0129 1. The legislature hereby finds, and declares to be the public policy of this state, that:

(a) The gaming industry is vitally important to the economy of the state and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming is conducted honestly and competitively, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gambling devices and equipment.

(d) All establishments where gaming is conducted and where gambling devices are operated, and manufacturers, sellers and distributors of certain gambling devices and equipment must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the state, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

*(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the legislature.*

2. No applicant for a license or other affirmative commission approval has any right to a license or the granting of the approval sought. Any license issued or other commission approval granted pursuant to the provisions of this chapter or chapter 464 of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.

Sec. 3. NRS 179.530 is hereby amended to read as follows:

179.530 1. District courts of this state may issue orders authorizing the use of a pen register or trap and trace device upon the application of a district attorney, the attorney general or their deputies, supported by an affidavit of a peace officer under the circumstances and upon the conditions prescribed by 18 U.S.C. §§ 3121-3127 as those provisions exist on July 1, 1989.

2. As used in this section, "peace officer" means:

(a) Sheriffs of counties and metropolitan police departments and their deputies;

(b) Investigators, agents, officers and employees of the division of investigation of the department of motor vehicles and public safety who have the powers of peace officers pursuant to NRS 481.230; [and]

(c) Policemen of cities and towns [.] *; and*

*(d) Agents of the state gaming control board who are investigating any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS.*

3. A public utility that relies, in good faith, upon an order of a district court authorizing the use of a pen register or trap and trace device is not liable in any civil or criminal action brought against the public utility for the use of the pen register or trap and trace device in accordance with the order of the court.".

Amend the title of the bill to read as follows:

"An Act relating to gaming; prohibiting the operation of gaming devices in certain areas of a public transportation facility without the prior approval of the state gaming control board; authorizing a court to issue an order for the use of a pen register or trap and trace device upon the affidavit of certain agents of the state gaming control board under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits operation of gaming devices in certain areas of public transportation facility and revises provisions governing investigations of state gaming control board. (BDR 41-2002)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 912.

Amend sec. 2, page 3, by deleting line 29 and inserting: "2. No prosecuting attorney may dismiss a charge of violating the provi-".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bergevin moved that Assembly Bill No. 86 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bergevin.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 232 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 755.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 999.

Amend section 1, page 1, line 4, after "*employee*" by inserting: "*which addresses or contains material that could lead to disciplinary action or otherwise pertain to his demotion or promotion or the termination of his employment*".

Amend section 1, page 1, line 10, by deleting "*Records*" and inserting: "*In any case, records*".

Amend section 1, page 1, by deleting lines 12 and 13 and inserting:

"*3. As used in this section, "employer" means a public employer.*".

Amend sec. 2, page 2, by deleting lines 15 through 24 and inserting:

"*3. Unless otherwise authorized by a negotiated agreement, an employer shall not:*".

Amend sec. 2, page 2, by deleting lines 30 and 31 and inserting:

"*(b) Maintain a secret record of employment of an employee.*".

Amend sec. 2, page 2, line 32, by deleting "*5.*" and inserting "*4.*".

Amend sec. 2, page 2, line 37, by deleting "*6.*" and inserting "*5.*".

Amend sec. 2, page 2, line 40, by deleting "*7.*" and inserting "*6.*".

Amend sec. 2, page 2, line 47, by deleting "*8.*" and inserting "*7.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment lost on a division of the house.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 755:

YEAS—17.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Garner, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spitler, Spriggs, Stout, Wong, Mr. Speaker—25.

Assembly Bill No. 755 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 784.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 784:

YEAS—42.

NAYS—None.

Assembly Bill No. 784 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 24.

Resolution read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Joint Resolution No. 24:

YEAS—40.

NAYS—Pettyjohn, Spriggs—2.

Assembly Joint Resolution No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Remarks by Assemblymen Gibbons, Carpenter, Petrak, Giunchigliani, Scherer, Price, Sader, Myrna Williams, Elliott, McGaughey and Humke.

Assemblyman Petrak requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. S.B. No. 120 makes it unlawful to have an open container of alcoholic beverage in the passenger area of a motor vehicle while the vehicle is on a highway. This measure was supported by representatives of the Mothers Against Drunk Driving, the Nevada Commission on Substance Abuse Education Prevention and Treatment, and the Nevada Highway Patrol Division of the Department of Motor Vehicles and Public Safety, among others. The bill is intended to send a clear message that alcohol and driving do not mix, including the use of alcohol by a passenger or even the transportation of an open container in the passenger area. No significant testimony was presented in opposition to the measure although certain exemptions were requested. Mr. Speaker may we go to Order of Business No. 15.

Mr. Speaker, in Nevada, in 1990, there were 343 people killed, 21,000 injured in traffic accidents. Approximately one-half of these accidents were alcohol-related. I think the benefits of this measure first of all go to reducing the number of drinking drivers and the number of alcohol-impaired drivers. I think you're going to find that anyone who raises the argument, and there will be those arguments, that this bill infringes upon the rights of others, must remember that our right to do as we please must not relieve us of our responsibility to resolve social problems or to avoid harming others. There are also those who would argue that the bill can't be enforced or that it would encourage more litter. I would suggest that perhaps that is true, but it will discourage drinking and driving. I think on balance, when you weigh the two, that this bill makes more sense. I think our goal that we all share, of course, Mr. Speaker, is that driving under the influence is an unacceptable problem in our society. I hope that you support this bill.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in opposition to S.B. No. 120. Those that drink and drive must be punished and punished severely. I think that we're doing that. However, I cannot support legislation that I think would make lawbreakers out of the people that are not doing any wrong. To assume that anyone that drinks a can of beer in a car, the person that's not driving, is a lawbreaker—I don't think that's right. S.B. No. 120 makes it unlawful to have an open container in the passenger area. I think it defeats the purpose of

the designated driver. If you try to get your friend who is drunk into the car and try not to take the container with you, I don't think that's going to work. It doesn't work in the true world. They say, call a taxi, or something like that, but try to call a taxi in Jarbidge or Gerlach or Red Rock Canyon, some place like that.

The open container law has been in effect in Reno for over 20 years. I just haven't seen any statistics that would purport that this is going to do anything to stop the drunken drivers. I think that the real problem is, how are we going to educate our children to drink in moderation when the beer companies spend millions? They say that the only way you can have fun is have a beer. The guy with the beer gets the girl with the bikini or something to that effect. I just don't think that we're going to be able to get an education program as long as they throw millions into this. As I say, I see no statistics that say that this is going to work, and I really have a hard time for somebody that's just drinking a casual beer to become a lawbreaker. So, I am against S.B. No. 120. Thank you, Mr. Speaker.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, I rise in support of S.B. No. 120. Order of Business No. 15, Mr. Speaker.

To my colleagues, about six weeks ago I stood here and told you about the times in a person's life and how you'll have some good times and you'll have some bad times. I want to relate to you a little bit about a bad time. Twenty-five years ago this September 14, back in Ohio on the street where we lived, it was a sunny afternoon—there weren't any cars parked on the street. It was a dead-end street and there was a cul-de-sac at the end of the street. There were eleven houses on each side of the street. About 3:30 in the afternoon, my three children were coming home from school and Loretta was walking along the sidewalk. Bob was riding his bike alongside and Jimmy was on the cul-de-sac, this street where there weren't any cars parked. It was a nice sunny day, and Jim was riding a little bit ahead of the other two, and it just so happened that there was a van that turned the curve and came down our street. In this Econoline van, the man didn't put on the brakes. He didn't honk the horn. He ran down my son on the bicycle. The only thing that stopped the van was the fact that one of the wheels on the bicycle acted as a sprag up around the front wheel. It came to a halt on the curb. Jimmy's body was dragged under this van for 96 feet. He had a double skull fracture. He had a punctured lung. His body was completely abraded. The police department when they got there had to bring a truck to lift this vehicle up off Jim's body before they could take him to the hospital. We weren't sure whether Jim was going to live for about 22 days. He stayed in the hospital for 40 some days and he had six sessions of plastic surgery. The man that ran him down had an open six pack in the van. A couple of bottles were open. He was arrested for drunk driving and within 72 hours he was out on bail.

When I think about things like this, I think about the grandchildren of a lot of our people here. I think about how it could happen to them, and I think about the old people on the street, how it could happen to them, also. Just because some guy decided it was good to take a can of beer or a six pack of beer and get into a vehicle, or allow someone in the vehicle, to do something which shouldn't be done and allow them to do that just for the sake of having a good time. I think that is kind of a sin. I think it's time when we should get with some situations that happen to all of us. Assemblyman Gibbons told about the number of deaths last year because of this particular whim in our society. I think you ought to think about it. You ought to look at your family tonight, and think about your grandchildren back home, if you're old enough to have grandchildren. Think about the fact that it could happen to them, then what would you do. We've got to do something. This is just one way, not the way, it's one way, with which we can help this situation. So I plead to you, please vote for S.B. No. 120. It's important to us and to our society, and to our State of Nevada. Thank you kindly. I encourage all of you to support S.B. No. 120.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to my colleague in Assembly District 23. How does this affect motor homes?

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. To you and through you to my colleague from southern Nevada. There is an exemption in the law itself, page 1, line 11, which includes an exemption for house coaches and house trailers.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in support of S.B. No. 120. I think this does send a clear message. I think it's an important bill that we need. I would like to point out two things. One, this is a misdemeanor citation we're talking about. Unlike a bill we heard in Judiciary not long ago, this does not impact on the prison population. I think it has been crafted properly, and I think it will have the desired impact and not be enforced in an overboard manner. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Actually I have a couple of questions. I don't know if they were discussed. I have opposed this in the past, and I've tried to keep my mind open. I must honestly say that the description of what happened years ago from my distinguished colleague, to some degree, lends argument to me in opposition of this bill. We tend to, understandably, be very emotional, and should be, about deaths and about drunk driving and about irresponsibility of people that we know who become involved in that. Somehow this bill goes beyond that because there are several situations, I believe that can happen. We're not talking about drunk drivers. We're talking about passengers who may have opened a bottle or a can of beer or something. Do I understand from reading the bill, which is very simple, that, for example, you've loaned your car to someone and they've returned it. If you didn't bother to look under the seat and there happened to be an open beer can or even some type of a bottle that had the seal broken on it, you then would be eligible for a fine if you got stopped for some other reason if the policeman looked in your car and under the seat was an open can that you didn't even know about—would that be a possibility?

Beyond that, if that is the fact, I have a problem transferring the actions of the passenger to the driver. As my colleague from Elko indicated, that's why they came up with the idea for a designated driver, and so forth. I don't think we should mix the emotion of what happens when someone has an accident who is a drunk driver, etc., from the reality of, to some degree, taking away privileges. They're not rights under the Constitution or the law that people talk about, but they are privileges that we have control over here. I would like to know, can that sort of thing happen?

ASSEMBLYMAN SADER:

To you and through you, Mr. Speaker, to the Assemblyman from District 17. The answer to that question is yes, that sort of thing could happen. It would seem to me an extremely remote example of the way the law could be misapplied. It would also, of course, require the law enforcement officer to exercise exceedingly bad judgment in citing in that sort of situation. But I would also point out that all types of illegal things could also be in the same kind of example; cocaine could be left under the car seat and you could certainly be picked up for that if you loaned the car to somebody; a sawed-off shotgun—we just voted on that—and drunk drivers kill a lot more people in this country every year than cocaine and sawed-off shotguns.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I have a question for the Chairman of Judiciary. I belong to many organizations who do many kinds of fundraisers, and oftentimes it is a wine and cheese party or whatever. If they have any of the wine or alcohol, or whatever it may be, left, and they want to transport it after the event, what happens under the open-container law under this bill?

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. To you and through you to the Speaker pro Tem, that's really an excellent question, an excellent example, because it worries a lot of people. The answer to the question is the bill prohibits an open container in the passenger section of the car, that is that part of the car that is designed for passengers. So if you put it in the

back seat or the front seat, you could theoretically be cited. The real answer to the question is you need to put it in the trunk or you need to put it, if you have a hatchback, in the area that is not designed for passenger seating because that takes care of the problem. So people might have to be a little careful, more careful than they otherwise would have, if they are used to putting bags in the back seat. But the other part of that, I think, which is really more important, is that, again, it takes some real bad discretion on the part of law enforcement individuals to cite in that sort of situation, assuming the driver is not intoxicated or otherwise. This law has been in effect in the City of Reno and in Clark County—the City of Reno for many, many years and Clark County since the last session—and there just aren't any examples of law enforcement citing in these kinds of situations; it just isn't happening. To some extent, when you talk about the application of any law, you can find farfetched examples of very inappropriate situations for citation, and you have to rely to some extent on law enforcement discretion.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I rise in support of this bill although I am personally opposed to it because of all the different reasons that have been stated here. I guess the reason that I support it and am voting for it is because in discussions with some of the people in law enforcement, one of the problems that is not easily addressed is the fact that when you have somebody who is driving and drinking, unless the officer makes the stop, they hand the beer off to the person next to them, and they can get away with it unless the officer specifically sees that happening. So it is kind of an operative tool; unfortunately, it's kind of like one of those Rube Goldberg things where you go all over the place to finally get it to work.

But I guess I would also say that in testimony during the hearings, Colonel Yukish brought some very graphic photographs, as well as video tapes, and certainly there was no correlation exactly between open containers and that sort of thing causing the wreck, but definitely the people involved, whomever they were, had open containers and had been drinking in the car, and it was not very pleasant to watch. So my feelings are, if it will save one person's life, because one person happened to say, "Look, I don't want to get a citation, so I'm not going to carry my open container into the car," that's better than everybody getting to feeling good and drinking while they're going down the highway. If that happens in one incident, then I think it is probably—then I know that it is worth it.

Secondly, in discussions with some of the law enforcement people, they assured me that they would try to work out some very graphic educational programs with the schools, and high schools in particular because those are the most impressionable people, and in that program bring those video tapes. One of the suggestions that has come out of that, too, as many of these kids are on community service, is to bring them to some of these wrecks to help clean them up. I think those kinds of things would stick in people's minds, and that educational process needs to take place because that's where it all begins is in your formative years and not after the fact. Thank you.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I have two questions for the Chairman of Judiciary. One would be, doesn't the law today prohibit a driver from having an open container in his possession or drinking while he is driving?

ASSEMBLYMAN SADER:

Yes.

ASSEMBLYMAN MCGAUGHEY:

Second question. Motor homes that are caravanning to a sporting event or some other social event—and we have done them here in this house—why would the driver of that motor home be exempt from the same conditions that we are requiring of a car? If that motor home is full of partying revelers and it is okay to have liquor there, a motor home could do great damage to any car because they are a 30,000 to 40,000 pound vehicle. Why is that person exempted when there is probably more of an opportunity for that kind of a thing to happen or at least as much as a car?

ASSEMBLYMAN SADER:

Mr. Speaker, to you and through you to the minority leader. You raise an excellent question of where you draw the line in these types of laws. Having been here for the last two sessions, the minority leader is well-aware of all the arguments that were made about exempting taxicabs and public conveyance, exempting mobile homes because people live in them and can drink safely in the back. So you see, when you create exceptions, you can have problems. It's always a problem with where to draw the line. Certainly somebody in a mobile home could be driving and drinking when they otherwise wouldn't if this law applied to them, but on the other hand, the mobile home is a situation in which people live and recreate and enjoy alcoholic beverages as you would in your own home. We felt it appropriate to draw the line in that spot.

ASSEMBLYMAN MCGAUGHEY:

I have a difficult time reconciling where, if we are trying to do something about the person who is drinking on the highway behind the wheel, I don't think that living in a motor home or traveling in it is an excuse. It seems that is sort of hypocritical to prevent a car driver from drinking and driving but say it's okay for a driver of a motor home to be drinking and driving. I think that is totally inconsistent. For that reason, I think the bill should be further amended to include all drivers, no distinction at all. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of S.B. No. 120. I've been here a few times and have heard essentially the same bill a few times, and frankly I would say I have not today, heard any new arguments or questions. I simply think this is an issue whose time has come. Thank you.

Roll call on Senate Bill No. 120:

YEAS—37.

NAYS—Carpenter, McGaughey, Marvel, Price, Spriggs—5.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 254, 489, 765 and 86 be taken from their position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 254:

YEAS—39.

NAYS—Hardy, Stout, Wong—3.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 489:
YEAS—42.
NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 765.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 765:
YEAS—42.
NAYS—None.

Assembly Bill No. 765 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 86.
Bill read third time.
Remarks by Assemblymen Bergevin and Giunchigliani.
Assemblyman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 86. I just want to note for the record that the amendments were worked out jointly between myself and my colleague from Assembly District 39. It is a unique way for districts to be able to deal with the issue of safety in the schools but we want it because it is something that is brand new. We did want to take into account the reporting facts, the base line and the form of a possible sunset in 1995 for the situation. I would urge my colleagues to support A.B. No. 86. Thank you.

Roll call on Assembly Bill No. 86:
YEAS—41.
NAYS—Pettyjohn.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 86, 254, 489, 765, 784 and Assembly Joint Resolution No. 24 be immediately transmitted to the Senate.
Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 124.
Bill read third time.
Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 124:

YEAS—42.

NAYS—None.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 150:

YEAS—42.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 349.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 349:

YEAS—42.

NAYS—None.

Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblymen Lambert and Elliott.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 446:

YEAS—41.

NAYS—None.

Not voting—Heller.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Spriggs, Giunchigliani, Carpenter and Anderson.

Conflict of interest declared by Assemblyman Anderson.

Roll call on Senate Bill No. 460:

YEAS—40.

NAYS—None.

Not voting—Anderson, Wendell Williams—2.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 533.

Bill read third time.

Remarks by Assemblyman Norton.

Roll call on Senate Bill No. 533:

YEAS—41.

NAYS—None.

Not voting—Mr. Speaker.

Senate Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 583.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 583:

YEAS—38.

NAYS—Freeman, Gibbons, Johnson, Scherer—4.

Senate Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 17:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblymen Freeman, Evans, Arberry, Price, Giunchigliani and Norton.

Assemblyman Arberry requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. S.B. No. 313 revises the restrictions on the smoking of tobacco in certain public places; requires the county board of health to enforce the smoking restrictions, and prohibits the local government from imposing more stringent restrictions. It prohibits smoking in any maintenance facility or office associated with the bus system operated by a regional transportation commission or a school bus. It clarifies that persons in control of public buildings in certain school districts may designate an area which may be used for smoking but need not designate a room for smoking. The operator of a restaurant with a seating capacity of 50 or more must maintain a flexible non-smoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or a non-smoking area. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or gaming operations may be designated as a smoking area in its entirety. This bill exempts licensed gaming establishments from the smoking prohibition, but allows them to designate separate smoking or non-smoking rooms or areas within the establishment. The definition of public buildings is revised to mean any building or office space owned or occupied by the state or local government. If only part of a building is owned or occupied, the term only applies to that portion of the building that is so owned or occupied. Nevadans for Non-smokers Rights requested this legislation. It's been supported by various health coalitions in the state. This is a compromise bill of all of the interested parties, and the committee recommends do pass.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. To you and through you to my colleague from Washoe County. I'm curious as to the rationale on why a local government could not impose a more stringent restriction.

ASSEMBLYMAN FREEMAN:

I have to be honest with you, Mrs. Evans, I don't remember the answer to that. I would defer to the chair of Health and Welfare.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you to my colleague from the north. Yes, the health district did come in and speak to me on this issue. They probably would have a problem enforcing this, but they were glad to see something like this take place. They felt that this was a step in the right direction.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I would rise in support of the bill. At least it's a first step. I think a report came out this last week. I heard on the radio that, I believe, the number was 50,000 citizens died from side smoke. More than that, if we get this thing passed my daughter will quit calling me and bugging me about it.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District 7. By removing the term of "room" and inserting "facility and area" was there discussion regarding how close in proximity that area had to be to where that person worked?

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you to my colleague. Yes, there was. There were some concerns with the school district and also with the teachers having to leave the campus grounds. The clarification in this piece of legislation was to make sure that they didn't have to go down the block, down the street, or around the corner to smoke. So the clarification is that they have to provide something on campus.

ASSEMBLYMAN NORTON:

Thank you, Mr. Speaker. I would like to rise in support of this bill. I think it's a very good piece of legislation whose time has come.

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

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.
Mr. Speaker presiding.
Quorum present.

Roll call on Senate Bill No. 313:
YEAS—40.
NAYS—Marvel, Spriggs—2.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 464 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Porter.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Senate Bill No. 439:
YEAS—42.
NAYS—None.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 261 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Wendell Williams.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 18.
Resolution read third time.
Remarks by Assemblyman Spriggs.
Roll call on Senate Joint Resolution No. 18:
YEAS—39.
NAYS—Callister, Giunchigliani, Myrna Williams—3.

Senate Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Bill No. 464.
Bill read third time.

Remarks by Assemblymen Bache, McGinness, Bergevin, Johnson, Garner, Anderson, McGaughey, Stout, Giunchigliani and Haller.

Assemblyman Wendell Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. S.B. No. 464 provides for binding arbitration and collective bargaining between school districts and employee organizations representing teachers and educational support personnel. The procedures are similar to those applying to firefighters and police officers. The process incorporates a method known as "Last Best Offer" with the arbitrator directed to choose one of the final offers in its entirety. In other words, the arbitrator is precluded from combining elements from each proposal into a package which he or she decides. The bill is supported by the Nevada State Education Association.

Also, for the record, I am a teacher, but I will be voting on this issue. It doesn't affect me any differently than it does every other teacher or educational support person.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. If I could have a qualification please, on line 7, "at least four sessions of negotiation." I served on the school board in Churchill County. I was on the negotiating team that met many, many more times than four sessions with that. At the end of four sessions, could either side just arbitrarily decide that it was the end? Could somebody answer that question, please.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. In the current law with regard to firefighters and policemen, there is no minimum number of sessions at all. This was proposed to give at least a minimum number.

ASSEMBLYMAN BERGEVIN:

Thank you, Mr. Speaker. I rise in support of A.B. No. 464. I've been one of the, perhaps, objectionists to expanding the bargaining powers of Chapter 288, and I would submit to you that this is the only bill that has gotten out of Government Affairs that has to do with Chapter 288. When I was chairman of Government Affairs in 1985, we passed a similar bill for the Police Protective Association. In my talking with both management and labor representatives of that association it has worked well. The "Last Best Offer" is a situation where everything, if they come to an impasse, the whole package has to be put into a last best offer. I feel secure that this will bring out the best from both sides of negotiations and will probably represent a better type of negotiation than presently exists with the school teachers.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I have a question. The difference between this bill and the firefighters is the firefighters' bill is April 10, I believe, and this has four negotiating sessions. After the four sessions, do you take the last best offer, the fourth one proposed or is there a chance to come back and make a last best offer?

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I think I can respond to that. In Section 1 of the bill, subsection 2, it says that these parties will conduct at least four sessions and then either one, it's my understanding, can ask for binding arbitration, and they'll go to that kind of negotiations. I also want to say that I stand in support of S.B. No. 464. The testimony we had in committee would indicate that the collective bargaining agreements and binding arbitration has worked well for police and firemen. There hasn't been any problem with that, and I support strongly S.B. No. 464.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I just wanted to relate to the body, not that they don't already realize this, that I am a school teacher and that I will be voting on this particular bill because I will not be affected any differently than any other members of the unit to which I belong.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I rise in support of S.B. No. 464. The history with the police and the firefighters shows that the system works very well. It doesn't require anyone to go to binding arbitration after the fourth meeting. It just provides that they can if they want. The rural areas, I believe, can resolve their contracts a lot faster than maybe some of the urban areas and that's why the flexibility is there. I believe it will streamline the system. You will end up with a faster resolution to the differences between management and the employees, so I urge support.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I rise in opposition to this bill for one very good reason. We elect a school board; we elect public people to watch our taxpayers dollars, and it seems more and more we're passing legislation that takes the control of those dollars out of the elected officials' hands. I think it should be kept with the elected officials, even the firemen and police probably should be continued with the elected officials. Therefore, I would hope that we would maintain the taxpayers status and keep it with the elected officials and not with arbitration. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of S.B. No. 464. What this bill finally does is, it allows teachers to be able to resolve impasse in a partnership sort of way with the school board when they're in the process of bargaining. This body decided back in 1971 to prohibit the right to strike. In absence of that right, there was never any ability for us to resolve impasse when we were at the negotiations table. What this legislation finally does is it allows the closure to be brought to the process and again eliminates the right to strike. Also, an arbitrator will solely rule on the ability to pay which benefits the school district and prohibits any type of bankruptcy. Compared to what happened in Washoe County this past month, they went to arbitration, but it was for an entire year. There was no means to put "Last Best Offer" on the table. What this simply does, is brings us, as teachers, into the same types of laws as policemen and firemen and treats us as equals. I will note for the record I am a school teacher, but I am not benefitting any differently than anyone else for this.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. I rise in support of S.B. No. 464. I've had many years of experience with NRS 288 and its workings. I do take exception to the issue the elected people are not in this act. In fact, the school boards are very much in the act because they have to make the final decision as to whether or not things happen. I would suggest too, that the school board represents not only the teachers, but represents the public, represents the administrators, represents the voters, in fact, represents everyone. So, there's kind of a suggestion here that school boards are anti-teacher. That certainly hasn't been the case in over thirty years that I've been associated with them. I would have to say, however, that frequently the employed people, who are employed as administrators in the school district, frequently take a united attitude and do get into confrontational activity against teachers. Generally speaking, administrators, school boards, and teachers have worked as a team and this is an improvement of the team effort.

Roll call on Senate Bill No. 464:

YEAS—39.

NAYS—Little, Spriggs, Stout—3.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1000.

Amend section 1, page 1, line 14, by deleting "may," and inserting "must,".

Amend section 1, page 1, by deleting lines 16 through 18 and inserting: "to exceed the equivalent of one semester for that school. For a".

Amend section 1, page 1, line 22, by deleting: "a teacher or administrator" and inserting "the principal".

Amend section 1, page 1, line 23, by deleting: "teacher or administrator" and inserting "principal."

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 400, 447, 689, 713, 776, 785, 786 and Senate Bill No. 317 be placed on the Second Reading File.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 12:54 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 605.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 97—Directing the Legislative Commission to conduct an interim study on the problems of fetal alcohol and drug syndrome in Nevada.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 98—Directing the Legislative Commission to conduct an interim study concerning the adequacy of the environmental review of construction of utility facilities in certain counties.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bache and Krenzer:

Assembly Bill No. 799—An Act relating to education; revising the composition of the commission on professional standards in education; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 605.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 800—An Act relating to taxation; excluding the generation-skipping transfer and estate taxes from the provisions exempting certain bonds from taxation; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 400.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 971.

Amend section 1, page 1, by deleting line 3 and inserting: "resources the sum of $1,146,050 for the purchase of:".

Amend section 1, page 1, line 5, by deleting "$466,000" and inserting "$595,000".

Amend section 1, page 1, between lines 5 and 6, by inserting:

"3. An aircraft and related equipment..... $450,000".

Amend the title of the bill, second line, by deleting "replacement" and inserting "certain".

Amend the summary of the bill, second line, by deleting "replacement" and inserting "certain".

Assemblyman Goetting moved the adoption of the amendment.

Remarks by Assemblyman Goetting, Scherer, Callister, Stout, Pettyjohn, Johnson, Arberry, Lambert, Kerns and Price.

Assemblymen Arberry, Callister and Porter moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 971 to Assembly Bill No. 447.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 689.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 972.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 4, page 1, by deleting lines 21 through 23 and inserting: "the board, the board shall meet upon the call of the governor and shall [organize by electing a chairman and] *elect a* vice chairman.".

Amend the bill as a whole by deleting sections 5 through 21.

Amend the title of the bill to read as follows:

"An Act relating to the state public works board; adding nonvoting members to the board; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Adds nonvoting members to state public works board. (BDR 28-2142)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 713.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 981.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 776.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1007.

Amend sec. 2, page 1, between lines 11 and 12, by inserting:

"*3. In Clark County, in census voting district 1150, block 210.*

*4. In Clark County, in census voting district 1260, blocks 101, 102, 103 and 123.*

*5. In Clark County, in census voting district 1275, blocks 214 and 218.*".

Amend sec. 2, page 1, line 12, by deleting "*3.*" and inserting "*6.*".

Amend sec. 2, page 1, line 18, by deleting "*4.*" and inserting "*7.*".

Amend sec. 2, page 1, line 20, by deleting "*5.*" and inserting "*8.*".

Amend sec. 12, page 5, line 18, by deleting "*1150,*".

Amend sec. 12, page 5, by deleting line 20 and inserting: "*1240, 1245, 1250, 1255, 1265, 1300, 1330, 1340, 2325, 2395,*".

Amend sec. 12, page 5, between lines 24 and 25 by inserting:

"*3. In Clark County, all of census voting district 1150 except block 210.*

*4. In Clark County, in census voting district 1260, blocks 212, 214, 215, 216, 218, 219, 220, 222, 224 and 227.*

*5. In Clark County, all of census voting district 1275 except blocks 214 and 218.*".

Amend sec. 12, page 5, line 25, by deleting "*3.*" and inserting "*6.*".

Amend sec. 12, page 5, line 27, by deleting "*4.*" and inserting "*7.*".

Amend sec. 17, page 8, by deleting lines 1 through 5 and inserting:

"*2. In Lyon County, census voting districts 0060, 0065, 0070, 0075 and 0080.*".

Amend sec. 18, page 8, by deleting lines 15 through 18 and inserting:

"*2. In Lyon County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.*".

Amend sec. 20, page 8, between lines 35 and 36, by inserting:

"*3. In Clark County, in census voting district 1150, block 210.*

*4. In Clark County, in census voting district 1260, blocks 101, 102, 103 and 123.*

*5. In Clark County, in census voting district 1275, blocks 214 and 218.*".

Amend sec. 20, page 8, line 36, by deleting "*3.*" and inserting "*6.*".

Amend sec. 20, page 8, line 42, by deleting "*4.*" and inserting "*7.*".

Amend sec. 20, page 8, line 44, by deleting "*5.*" and inserting "*8.*".

Amend sec. 30, page 12, line 18, by deleting "*1150,*".

Amend sec. 30, page 12, by deleting line 20 and inserting: "*1240, 1245, 1250, 1255, 1265, 1300, 1330, 1340, 2325, 2395,*".

Amend sec. 30, page 12, between lines 24 and 25 by inserting:

"*3. In Clark County, all of census voting district 1150 except block 210.*

*4. In Clark County, in census voting district 1260, blocks 212, 214, 215, 216, 218, 219, 220, 222, 224 and 227.*

*5. In Clark County, all of census voting district 1275 except blocks 214 and 218.*".

Amend sec. 30, page 12, line 25, by deleting "*3.*" and inserting "*6.*".

Amend sec. 30, page 12, line 27, by deleting "*4.*" and inserting "*7.*".

Amend sec. 35, page 15, by deleting lines 1 through 5, and inserting:

"2. *In Lyon County, census voting districts 0060, 0065, 0070, 0075 and 0080.*".

Amend sec. 36, page 15, by deleting lines 15 through 18, and inserting:

"2. *In Lyon County, census voting districts 0005, 0010, 0015, 0020, 0025, 0030, 0035, 0040, 0045, 0050 and 0055.*".

Amend sec. 37, page 15, by deleting lines 28 and 29, and inserting: "general election in 1992, shall represent his subdistrict as amended by this act if he still resides in that district. Any".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 785.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

Amend section 1, page 1, by deleting lines 12 through 14 and inserting: "interests of the parolee and the state would be served by doing so. Willful failure to make payments on the loan is a ground, in the".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 786.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 980.

Amend section 1, page 1, line 1, after "Section 1." by inserting "1.".

Amend section 1, page 1, between lines 4 and 5, by inserting:

"2. The executive officer of the state motor pool shall, whenever possible, purchase vehicles pursuant to subsection 1 which:

(a) Operate on an alternative fuel or source of power that when used in a motor vehicle results in emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide or particulates which are comparably lower than the emissions of a motor vehicle that uses traditional fuel; and

(b) Have been originally designed or converted to do so.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 317.

Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 566.

The following Senate amendment was read:

Amendment No. 946.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsection 2, when the legislature is in adjournment for more than 4 days during a regular or special session, each senator and assemblyman is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the regular session or the first 20 days of the special session for each day that he attends a meeting of a standing committee of which he is a member.*

*2. This section does not apply to any senator or assemblyman who is otherwise entitled to receive a salary for legislative service.*".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 3. *1. In addition to any other adjournment taken during a legislative session,*".

Amend the title of the bill, first line, after: "relating to the legislature;" by inserting: "authorizing the payment of a salary from the legislative fund for work on committees during an adjournment of the legislature under certain circumstances;".

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 566.

Remarks by Assemblymen Myrna Williams, Kerns, Marvel, Johnson, Porter, Goetting, Elliott and Callister.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Yes, the committee voted on this. We do not agree with the Senate. It was never envisioned at the time of the adjournments that those would be paid. The Constitution is clear. Whether it's fair or not is not the question. It's clear.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I don't quite understand what my colleague is talking about being constitutionally right or not. The Senate put this amendment on and it was given considerable thought by the Counsel Bureau. This amendment just happens to be the same amendment that I had on this side and we went over it very thoroughly with the Counsel Bureau and they said, "that it's defensible." For whatever that means, it's defensible in the Constitution.

So far we have done nothing for the legislature in this session except put road blocks in every direction to making this a desirable job. We had a very distinguished committee, a Blue Ribbon Committee, that spent the whole last 18 months, Order of Business 15, Mr. Speaker, that spent 18 months determining what was needed for the legislators. Our Legislative Functions on both sides apparently, one side, both sides, somewhere, has seen fit to ignore all the recommendations that this committee worked so hard to do. We even

had recommendations, in fact, this amendment was the recommendation of Leola Armstrong from Common Cause, who was one of our biggest opponents of anything last session for the legislators. I even read an editorial by Mike O'Callaghan, who was another one of our big opponents, recommending that some of these things that the Blue Ribbon Committee recommended for us to be done and needed in the worst way, but apparently we have seen fit to do nothing for the legislators and in a very, very small way is an attempt to do something not just for the legislators but to make this adjournment work. As it sits now, the money committees meet, and it's good, and it probably really would benefit this legislature to have those money committees meet, but because they are not being paid, we are forced to have all committees meet because it dosen't work too good to have half the membership meet and work for nothing and let the other half go home. With this amendment, we would be able to have the money committees meet and we'd be able to send the rest of them home if they weren't needed because only the committees that meet will get paid.

I don't really think there is any possible way anybody can justify that a few people sitting on a commission like they did last year, this year, can volunteer two weeks of your time without you even asking whether you liked it or not. You just went down there, whether you were needed or not, and I think it was very well pointed out, some of these committees were needed, some of them weren't. It was a total waste of everybody's time for some of these committees to have met. We did nothing, literally nothing. We met for an hour. I enjoyed Las Vegas. I got a lot of golf in down there. Didn't get much pay for it, but it was a lot of fun. We could have probably spent three days and accomplished exactly what we did in two weeks down there. With this amendment, that committee could have gone home when they finished their work but as it sits now, they have no choice but to stay for the whole time because you can't ask half the people to work for free and send the other half home.

I urge your voting against the not concurring on this bill because I think the Senate looked at it far more clearly than we did. We are more interested in what the press thinks than what real facts are. So I urge your no vote on this non-concurrence.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I must respond to my colleague from Washoe. I think it is important for people to understand that the two-week adjournment and the committees going down to Las Vegas, was not designed because people were working on Ways and Means. It was designed to bring the legislator and the legislative process to two-thirds of the population in this state that have never had an opportunity to understand what goes on. It did provide that opportunity and it was greatly appreciated by two-thirds of the population. That was the purpose of meeting in Las Vegas. As to the Commission, they have never submitted a bill, requested a bill nor have they done anything other than make a report for joint committee of both houses, joint committee. No bills have come through on that, no requests were made and I think that should take care of that subject. I would urge everyone to vote to support the committee's recommendation. It is the recommendation of the committee that we not concur.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I served on the interim committee and this amendment somewhat addresses one of the recommendations that was made. I don't think any of us envisioned that we would have so many committee meetings in Las Vegas. It was primarily designed so that the money committees could go ahead and have all-day hearings on the budget committees hoping to expedite the legislative process. I think it expanded a little bit further out than what any of us had envisioned and somewhat beyond our recommendation. I do support the fact that the persons that are going to be working should be paid the same as those that are working on interim basis between the sessions.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. There are two issues here. I certainly support going to Las Vegas and the principle of the adjournment; however, I would encourage a no vote on this. Certainly, bringing up the constitutional question is spurious. If you wish to hold to that standard then I would insist that you not receive pay in the interim committees.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. Just to clarify, I rise in support of the motion not to concur in Senate Amendment No. 946 to Assembly Bill No. 566 made by the Chairman of Legislative Functions and Elections.

Mr. Speaker, this amendment is, as my distinguished colleague from Washoe County said, the exact amendment which he had proposed earlier in this house. The amendment amounts to a two-week pay increase. It is nothing short of that. The Constitution says you get paid for 60 days. When you are adjourned, you do not get paid. This will enable you to be paid for 60 days and an additional two weeks on top of that. If you want to go on record as doing that, then I suggest you vote against the Chairman of Legislative Function's motion; if you want to go on record being the other direction, then I suggest that you support the Chairman's motion.

Concerning the remarks of my colleague from Washoe County that we did nothing in Las Vegas. I invite him to come and sit with our Judiciary Committee, chaired by another one of my distinguished colleagues from Washoe County. When we were there, most all afternoon, on many bills, involving many comments of the public, we worked very hard in our Assembly Judiciary Committee. I was proud of the job that the Chairman did. I think the citizens of Las Vegas benefited greatly by that. To suggest that my other colleague from Washoe County played a lot of golf, God bless him, I don't happen to play golf, I was working in the Assembly Judiciary Committee during my two week adjournment in Las Vegas. I urge you to support the Chairman of Legislative Functions' motion.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. I would like to go on record as saying I think two weeks more, when we are on adjournment, I think we should be paid. I'll go on record for that. I don't care if I take any heat or not. I don't think we are paid enough here in this body and I don't mind getting two weeks more pay.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I had a question, I think it's been answered by the majority leader. In answering my question, he created another question in my mind so I guess I had better bring it out. If, in fact, we are adjourned then we don't get paid. That was the premise here but on the other hand, we're not really adjourned because some of us are going down and we are working so we can't be adjourned and working at the same time. So my question is, how do we resolve that problem?

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. To you and through you, to my colleague from southern Washoe County, let me make a clarification. We are technically not in session. The Constitution speaks of being in session. We cannot meet in session anywhere other than Carson City. So in order for us to conduct committee hearings in Las Vegas, we have to technically adjourn; its an adjournment in the sense that we are not in session. Since we are not in session, we are not paid. What this amendment will allow you to do is to be paid for that two-week adjournment in addition to the 60 days that you are paid while you are technically in session.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I appreciate the dialogue that has been held today. I think all of us feel that it's appropriate to compensate whomever in this state, whether it's a state employee who is taking care of the grounds or a state employee, i.e., a legislator who is doing his work. I don't think that's the issue. We all understand the need to adequately compensate the time spent. The concern is very simply the Constitution. The Constitution says we get paid while we are in session. If we want to modify that procedure, I support the modification of that procedure. I think that as many of my colleagues from around the state have commented earlier in regards to Supreme Court Justices' salaries and other issues, if we want to clarify the issue, then let's clarify it constitutionally, open, aboveboard and seek to deal with it in that fashion. I think that is the issue and we are kind of dancing around it.

Obviously, the state has grown much more rapidly than we would like. It has grown in a disproportionate sense, not because of anybody's intent or anyone's control. I think we just have to recognize that change and in order to continue the process and to maintain some sense of integrity then we ought to seek the appropriate constitutional amendment. If that is so desired, I'd be the first to support it, but until that is done, I have to support the non-concurral recommendation made by the Chairman of Legislative Functions.

Assemblymen Evans, Porter and Arberry moved the previous question.

Motion carried.

The question being on the motion to not concur in Senate Amendment No. 946 to Assembly Bill No. 566.

Assemblymen Kerns, Johnson and Evans requested a roll call on Assemblyman Myrna Williams' motion.

Roll call on Assemblyman Myrna Williams' motion:

YEAS—28.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Goetting, Johnson, Kerns, Little, McGinness, Marvel, Pettyjohn, Spriggs, Stout, Wong—14.

The motion having received a majority, Mr. Speaker declared it carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

The following Senate amendment was read:

Amendment No. 872.

Amend sec. 3, page 1, line 20, by deleting "*agency; or*" and inserting "*agency;*".

Amend sec. 3, page 1, line 21, by deleting "*affiliate.*" and inserting: "*affiliate; or*

*(g) A person who does not receive cash for his services.*".

Amend sec. 5, page 2, by deleting lines 36 through 38 and inserting:

"*(e) Who is found suitable by the commission to act as an independent agent.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 554.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 355, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Carpenter and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 355.

## REMARKS FROM THE FLOOR

Assemblyman Humke requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. With regard to A.B. No. 566 and the amendment thereto, I request to be allowed to say a few words. I realize the debate was cut off. I think there are a couple of additional points that could be made. I think the majority leader made the point that through a hyper-technical legal sense this does not violate the Constitution but the perception is among the voters, there is a capability for the voters to perceive that we would be giving ourselves a pay increase. The Constitution clearly states 60 days and when we contrive, and by contrive I do not mean to say that its a contrivance to go to Las Vegas; I understand that the Las Vegas representatives feel very strongly about the positive aspects of going to Las Vegas; but when the public would perceive the adjournment as a contrivance to grant ourselves additional pay, and that is the problem that I have with this amendment. Now the distinguished representative from District 1 suggested a constitutional amendment to effect the 60-day limit. I would suggest yet a different possibility and that is a straight-up pay increase bill for legislators. I would be more than happy to vote for a reasonable amount of pay this session if a bill can be generated. I think that it is probably justified. The last pay increase took effect for the 1987 session, and as the members may know, these bills usually have an intervening election once they are voted upon. No senator or assemblyman may receive the pay increase except for an intervening election and I think that is the method to use in this instance for members who are concerned about compensation. Thank you, very much.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 252, 350, 459, 564, 632; Senate Bills Nos. 214, 442; Assembly Concurrent Resolution No. 58.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Beverly Sharp, Mesdames Marjorie Brunton, Jayine Ferretto, Nancy Finley, Debra Gravil, Dianne Zweifel and the following students from Lena Juniper School, Sparks: Adam Borgmann, Martin Browning, Ryan Brunton, Brittni Christiansen, Matt Dearborn, Danny Devine, Jason Duff, Ginger Evans, Angela Ferretto, Megan Finley, Veronica Flores, Michael Garland, Eric Gravil, Dominic Green, Stacy Hargrove, Ty Harmon, Josh Hartsfield, Brooke Holland, Greg Lexa, Stephanie Meacham, Brenna Monnig, Dana Parker, Rosita Ramos, Cindi Roestenburg, Sarah Soderbeck and Joe Zweifel.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 4, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:38 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-FIFTH DAY

CARSON CITY (Tuesday), June 4, 1991

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, it's that time of year again; warmth and growth, vacations and fun, and everyone giving us a hard time for still being here. Give us patient endurance so we don't just get done, but so we can really finish. Give us the love and the energy to do it well through Jesus. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 123, 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 664, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 572; Senate Joint Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Bills Nos. 490, 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 292, 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 449, 717, 769; Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 591; Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 739; Senate Bills Nos. 245, 393, 443, 455, 476, 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 483.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 76, 392, 528, 611, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 308.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bill No. 166.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Spriggs, Marvel, Carpenter, Bergevin, McGinness, Heller, Dini and Elliott:

Assembly Bill No. 801—An Act relating to water; requiring that an application for a permit to appropriate water must, under certain circumstances, be approved by the board of county commissioners of the county in which the appropriation is to be made; and providing other matters properly relating thereto.

Assemblyman Spriggs moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:20 a.m.

## ASSEMBLY IN SESSION

At 11:52 a.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Vice Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 361.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 400.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 400:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 101.
Bill read third time.
Remarks by Assemblymen Elliott and Pettyjohn.
Roll call on Senate Bill No. 101:
YEAS—40.
NAYS—Gregory, Little—2.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 317.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 317:
YEAS—40.
NAYS—Little, Petrak—2.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 361.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 292, 446, 449, 490, 575, 591, 664, 717, 739, 769; Senate Bills Nos. 75, 123, 245, 246, 393, 443, 455, 476, 493, 564, 572, 598 and Senate Joint Resolution No. 22 be placed on the Second Reading File.

Motion carried.

Assemblyman Humke moved that Senate Bill No. 333 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Humke.

Assemblymen Humke, Spriggs and Gregory requested a roll call on Assemblyman Humke's motion.

Roll call on Assemblyman Humke's motion:

YEAS—18.

NAYS—Anderson, Arberry, Bache, Bennett, Callister, Elliott, Evans, Freeman, Garner, Giunchigliani, Haller, Johnson, Kerns, Krenzer, McGinness, Norton, Petrak, Porter, Price, Sader, Spitler, Myrna Williams, Wendell Williams, Mr. Speaker—24.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Assemblyman Arberry moved that Assembly Bill No. 420 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 641.

Amend sec. 2, page 1, line 6, after "*reason*" by inserting "*specifically*".

Amend sec. 2, page 1, line 8, by deleting the period and inserting: "*unless:*

*(a) The employee failed to comply with the provisions of subsection 1 of section 3 of this act; or*

*(b) The employer has given notice to the employee pursuant to the provisions of subsection 2 of section 3 of this act.*".

Amend sec. 3, page 1, by deleting line 15 and inserting: "Sec. 3. *1. An employee who wishes to join a*".

Amend sec. 3, page 1, by deleting lines 17 and 18 and inserting: "*Civil Air Patrol unit shall disclose that fact to his employer.*

*2. If the employer chooses not to allow the employee to participate in search and rescue activities during his normal working hours, the employer shall notify the employee as soon as practicable after the disclosure is made pursuant to subsection 1.*

*3. An applicant for employment who is a member of a search and rescue or reserve unit of a sheriff's department or a Civil Air Patrol unit shall disclose that fact to his prospective employer.*".

Amend the title of the bill, third line, by deleting the semicolon and inserting: "under certain circumstances; requiring an employee and an applicant for employment to disclose information concerning membership in a reserve or search and rescue unit to his employer or prospective employer;".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 160.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 308.

The following Senate amendment was read:

Amendment No. 755.

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

Amend the title of the bill to read as follows:

"An Act relating to counties; revising the requirements for county commissioner election districts in certain counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises requirements for county commissioner election districts in certain counties. (BDR 20-795)".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 308.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 392.

The following Senate amendment was read:

Amendment No. 771.

Amend section 1, page 1, line 16, by deleting "March" and inserting "January".

Amend section 1, page 2, lines 1 and 2, by deleting: "director of the legislative counsel bureau" and inserting: "interim finance committee and any statutory committee of the legislature established to consider matters relating to industrial insurance, for their review and".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 392.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 528.

The following Senate amendments were read:

Amendment No. 684.

Amend section 1, page 1, line 13, after the closed bracket by inserting "*Nevada*".

Amend sec. 2, page 2, line 1, after the bracket by inserting "*Nevada*".

Amend sec. 3, page 2, line 16, after the bracket by inserting "*Nevada*".

Amend sec. 3, page 2, line 19, after the bracket by inserting "*Nevada*".

Amend sec. 3, page 2, line 23, after the closed bracket by inserting "*Nevada*".

Amend sec. 3, page 2, line 27, after the bracket by inserting "*Nevada*".

Amend sec. 4, page 3, line 5, by deleting the period and inserting: "*that are relevant to the dispute for which the hearing or other proceeding are being held.*".

Amend sec. 5, page 3, line 14, after "*the*" by inserting "*Nevada*".

Amend sec. 5, page 3, line 16, after the bracket by inserting "*Nevada*".

Amend sec. 5, page 3, line 17, after the closed bracket by inserting "*Nevada*".

Amend sec. 5, page 3, line 22, after the closed bracket by inserting "*Nevada*".

Amend sec. 6, page 3, line 25, after the closed bracket by inserting "*Nevada*".

Amend sec. 6, page 3, line 27, after the closed bracket by inserting "*Nevada*".

Amend sec. 7, page 3, line 35, after the closed bracket by inserting "*Nevada*".

Amend sec. 7, page 3, line 38, after the closed bracket by inserting "*Nevada*".

Amend sec. 8, page 3, line 43, after the bracket by inserting "*Nevada*".

Amend sec. 8, page 3, line 48, after the closed bracket by inserting "*Nevada*".

Amend sec. 8, page 4, line 3, after the closed bracket by inserting "*Nevada*".

Amend sec. 8, page 4, line 5, after the closed bracket by inserting "*Nevada*".

Amend sec. 9, page 4, line 8, after the closed bracket by inserting "*Nevada*".

Amend sec. 9, page 4, line 11, after the closed bracket by inserting "*Nevada*".

Amend sec. 9, page 4, line 14, after the closed bracket by inserting "*Nevada*".

Amend sec. 9, page 4, line 20, after the bracket by inserting "*Nevada*".

Amend sec. 10, page 4, line 25, after the closed bracket by inserting "*Nevada*".

Amend sec. 10, page 4, line 27, after the closed bracket by inserting "*Nevada*".

Amend sec. 10, page 4, line 30, after the bracket by inserting "*Nevada*".

Amend sec. 10, page 4, line 31, after the closed bracket by inserting "*Nevada*".

Amend sec. 11, page 4, by deleting lines 42 and 43 and inserting:

"*(a) A determination* of an insurer *; or*".

Amend sec. 13, page 5, line 39, by deleting " "attorney for injured workers" " and inserting " "Nevada attorney for injured workers" ".

Amendment No. 951.

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

"Sec. 13. This act becomes effective upon passage and approval.".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendments to Assembly Bill No. 528.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Taxation.

BOB PRICE, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 802—An Act relating to administrative procedure; providing for the appointment of administrative judges and for hearings before them; providing grounds for disqualification from administrative adjudications; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 803—An Act relating to the enforcement of judgments; exempting from execution money and benefits received from public and private pensions and other arrangements upon retirement; preserving access to such payments for the support of children; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 804—An Act relating to corrections; creating a committee to review the system of parole and probation in Nevada; providing its duties; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 104 be placed on the Second Reading File.

Remarks by Assemblyman Price.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 420.

Bill read third time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 928.

Amend section 1, page 1, by deleting lines 2 through 16 and inserting:

"428.020 [1.] For the purposes of NRS 428.010 to 428.110, inclusive, the county of residence of a person [is the county in which he is presently residing if he has resided in that county for at least 6 consecutive weeks. If the person has not resided in the county in which he is presently residing for at least 6 consecutive weeks, his county of residence is the last county in Nevada in which he resided for at least 6 consecutive weeks. If the person has not resided in a county in Nevada for at least 6 consecutive weeks, he shall be deemed a nonresident.

2. As used in this section, "reside" means to be physically present at a place for at least 4 days out of each week with the intent to dwell in that place permanently or continuously.] *placed in institutional care is the county of residence of that person before he was placed in institutional care.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 439B.330 is hereby amended to read as follows:

439B.330 1. Except as otherwise provided in NRS 439B.300 and subsection 2 of this section, each county shall use the definition of "indigent" in NRS 439B.310 to determine a person's eligibility for medical assistance pursuant to chapter 428 of NRS, other than assistance provided pursuant to NRS 428.115 to 428.255, inclusive.

2. A board of county commissioners may, if it determines that a hospital within the county is serving a disproportionately large share of low-income patients:

(a) Pay a higher rate to the hospital for treatment of indigent inpatients;

(b) Pay the hospital for treatment of indigent inpatients whom the hospital would otherwise be required to treat without receiving compensation from the county; or

(c) Both pay at a higher rate and pay for inpatients for whom the hospital would otherwise be uncompensated.

3. Each hospital which treats an indigent inpatient shall submit to the board of county commissioners of the county of residence of the patient a discharge form identifying the patient as a possible indigent and containing the information required by the department and the county to be included in all such forms.

4. The county which receives a discharge form from a hospital for an indigent inpatient shall verify the status of the patient and the amount which the hospital is entitled to receive. A hospital aggrieved by a determination of a county regarding the indigent status of an inpatient may appeal the determination to a court having general jurisdiction in the county.

5. Except as otherwise provided in subsection 2 of this section and subsection 3 of NRS 439B.320, if the county is the county of residence of the patient and the patient is indigent, the county shall pay to the hospital the amount required, within the limits of money which may lawfully be appropriated for this purpose pursuant to NRS 428.050, 428.285 and 450.425.

6. For the purposes of this section, the county of residence of the patient [must be determined pursuant to NRS 428.020.] *is the county of residence of that person before he was admitted to the hospital.*".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1027.

Amend section 1, page 1, line 2, by deleting "$300,000" and inserting "$150,000".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1026.

Amend section 1, page 1, line 3, by deleting "$150,000" and inserting "$125,000".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 806.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 43, following the enacting clause, to read as follows:

"Section 1. Chapter 462 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *The legislature hereby finds, and declares to be the public policy of this state, that:*

*1. The operation of legitimate lotteries by bona fide charitable and nonprofit organizations is beneficial to the general welfare of the residents of this state.*

*2. The benefits of those lotteries:*

*(a) Are dependent upon ensuring that the lotteries are operated honestly and free from criminal and corruptive elements, and that the proceeds of the lotteries are expended in an appropriate manner.*

*(b) Can be ensured through the regulation of the type of organizations authorized to operate lotteries, the manner in which lotteries are conducted and the manner in which the proceeds of lotteries are expended.*

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 462.010 and sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Board" means the state gaming control board.*

Sec. 5. *"Calendar quarter" means a period of 3 consecutive months commencing on the 1st day of January, April, July or October in any year.*

Sec. 6. *"Charitable or nonprofit activity" means an activity in support of the arts, amateur athletics, peace officers or health or social services, or conducted for any benevolent, civic, educational, eleemosynary, fraternal, humanitarian, patriotic, political or religious purpose, including the operation of a qualified organization.*

Sec. 7. *"Commission" means the Nevada gaming commission.*

Sec. 8. *"Executive director" means the chairman and executive director of the state gaming control board.*

Sec. 9. *"Net proceeds" means the total amount of money collected from the sale of lottery tickets or chances, less the total amount of money expended for prizes, supplies, advertising, promotion, printing, administration and other direct expenses necessary to operate a lottery.*

Sec. 10. *"Qualified organization" means a bona fide charitable, civic, educational, fraternal, patriotic, political, religious or veterans' organization that is not operated for profit.*

Sec. 11. *1. The board and commission shall administer the provisions of this chapter for the protection of the public and in the public interest in accordance with the policy of this state.*

*2. The commission:*

*(a) May adopt such regulations as it deems desirable to enforce the provisions of this chapter; and*

*(b) Shall adopt regulations providing a procedure to appeal the denial of the approval of the executive director pursuant to section 13 of this act, pursuant to the procedure set forth in NRS 463.145.*

Sec. 12. *A qualified organization may operate a lottery if:*

*1. The organization is approved by the executive director and the total value of all the prizes offered in lotteries operated by the organization during the same calendar year does not exceed $200,000;*

*2. The organization registers with the executive director and the total value of all the prizes offered in lotteries operated by the organization during the same calendar year does not exceed $25,000; or*

*3. The total value of the prizes offered in the lottery does not exceed $2,500 and:*

*(a) The organization operates no more than 2 lotteries per calendar year; or*

*(b) The tickets or chances for the lottery are sold only to members of the organization, and to guests of those members while attending a special event sponsored by the organization, and the total value of all the prizes offered in lotteries operated by the organization during the same calendar year does not exceed $15,000.*

Sec. 13. *1. The executive director shall:*

*(a) Register a qualified organization that complies with the requirements of section 14 of this act.*

*(b) Approve a qualified organization if:*

*(1) The organization complies with the requirements of section 14 of this act; and*

*(2) The executive director determines that the approval of the organization would not be contrary to the public interest.*

*2. The registration or approval of a qualified organization is a revocable privilege. No person has any right to be registered or approved by the executive director or acquires any vested right upon being registered or approved by the executive director.*

*3. Unless earlier revoked, the registration or approval of a qualified organization is valid for the calendar year and expires on December 31.*

Sec. 14. *1. To register with or request the approval of the executive director, a qualified organization must submit to him:*

*(a) A written application containing:*

*(1) The name, address and nature of the organization.*

*(2) Proof that the organization is a qualified organization.*

*(3) The names of the officers or principals of the organization, and of any person responsible for the management, administration or supervision of the organization's lotteries and any activities related to those lotteries.*

*(4) A description of all the prizes to be offered in lotteries operated by the organization during the calendar year to which the application pertains and, if the approval of the executive director is required, a summary of the anticipated expenses of conducting those lotteries, including copies of any proposed agreements between the organization and any suppliers of material for the operation of those lotteries.*

*(5) A description of the intended use of the net proceeds of lotteries operated by the organization during the calendar year to which the application pertains.*

*(6) The designation of a primary county in which lotteries will be conducted by the organization during the calendar year to which the application pertains.*

*(7) Any other information the executive director deems appropriate.*

*(b) A nonrefundable fee or:*

*(1) For registration, $5; or*

*(2) For a request for approval, $25.*

*2. A qualified organization shall submit such additional information as necessary to correct or complete any information submitted pursuant to this section that becomes inaccurate or incomplete. The approval of a qualified organization is suspended during the period that any of the information is inaccurate or incomplete. The executive director may reinstate the approval of the organization only after all information has been corrected and completed.*

Sec. 15. *All fees collected by the executive director pursuant to section 14 of this act must be deposited with the state treasury for credit to the account for the regulation of lotteries. The executive director may expend money in the account to administer and enforce the provisions of this chapter. Claims against the account must be paid as other claims against the state are paid.*

Sec. 16. *1. The commission may, upon recommendation of the board, require:*

*(a) A qualified organization that registers with or requests the approval of the executive director to file an application pursuant to chapter 463 of NRS for a finding of suitability to operate a lottery in this state.*

*(b) Any person who is employed by, a member of or otherwise associated with such an organization to file an application pursuant to chapter 463 of NRS for a finding of suitability to be associated with the operation of a lottery in this state.*

*2. The board may conduct an investigation of the qualified organization or associated person and submit recommendations to the commission. The qualified organization or associated person must deposit with the board a sum of money which the board determines will be adequate to pay the anticipated costs of the investigation and shall upon the completion of the investigation pay to the board any additional money necessary to reimburse the board for the actual cost of the investigation. The board shall refund any overpayments.*

*3. The commission may revoke the registration or approval of a qualified organization if:*

*(a) An application for a finding of suitability is not submitted to the board, together with the deposit required by subsection 2, within 30 days after the qualified organization receives written notice that it is required pursuant to paragraph (a) of subsection 1 to file an application for a finding of suitability.*

*(b) The qualified organization is found unsuitable to operate a lottery in this state.*

*(c) An application for a finding of suitability is not submitted to the board, together with the deposit required by subsection 2, or the association of the person with the organization is not terminated, within 30 days after the qualified organization receives written notice that an associated person is required pursuant to paragraph (b) of subsection 1 to file an application for a finding of suitability.*

*(d) The associated person is found unsuitable to be associated with the operation of a lottery in this state and the qualified organization does not terminate its association with that person within 30 days after receiving written notice of the finding of unsuitability.*

Sec. 17. *A qualified organization shall not:*

*1. Sell any ticket or chance for a lottery outside of the primary county in which the lottery is being conducted and any counties that border on that county.*

*2. If the organization has been approved by the executive director, conduct more than 1 lottery in any calendar quarter without the specific authorization of the executive director.*

Sec. 18. *A qualified organization shall not:*

*1. Compensate any person for the provision of prizes and supplies used in the operation of a lottery, except to pay the fair market value of the prizes and supplies necessary for the operation of the lottery.*

*2. Provide:*

*(a) Any compensation to a person who is not a regular employee of the organization; and*

*(b) Any additional compensation to a person who is a regular employee of the organization,*

*for his services in organizing or operating a lottery or assisting in the organization or operation of a lottery. This subsection does not prohibit a qualified organization from compensating a person for the fair market value of services that are ancillary to the organization or operation of a lottery.*

Sec. 19. *1. A qualified organization shall expend the net proceeds of a lottery only for the benefit of charitable or nonprofit activities in this state.*

*2. A qualified organization approved by the executive director shall, after the completion of a lottery and no later than the end of the same calendar year, submit to the executive director a financial report on the lottery. The financial report must include a statement of:*

*(a) The expenses incurred in the operation of the lottery; and*

*(b) The amount and use of the net proceeds of the lottery.*

Sec. 20. *The provisions of NRS 462.040 and 462.050 do not apply to the regular reporting of information to the public by a newspaper, periodical or press association, or a radio or television station.*

Sec. 21. *Nothing in this chapter affects the power of a local government to require the licensing of or to impose additional restrictions on the operation of a lottery.*

Sec. 22. NRS 462.010 is hereby amended to read as follows:

462.010 [A lottery is]

*1. "Lottery" means* any scheme for the disposal or distribution of property, by chance, among persons who have paid or promised to pay any valuable consideration for the chance of obtaining [such] *the* property, or a portion of it, or for any share or [any] interest in [such] *the* property upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle or gift enterprise, or by whatever name the same may be known.

*2. For the purpose of this section, a person has not "paid or promised to pay any valuable consideration" by virtue of his having:*

*(a) Engaged in or promised to engage in a transaction in which he receives fair value for his payment;*

*(b) Accepted or promised to accept any products or services on a trial basis; or*

*(c) Been or promised to have been present at a particular time and place,*

*as the sole basis for his having received a chance to obtain property pursuant to an occasional promotion conducted by an organization whose primary purpose is not the operation of such a promotion.*

Sec. 23. NRS 462.020 is hereby amended to read as follows:

462.020 [Every] *A* person who contrives, prepares, sets up, proposes or draws any lottery *, except as authorized pursuant to this chapter,* is guilty of a misdemeanor.

Sec. 24. NRS 462.030 is hereby amended to read as follows:

462.030 [Every] *A* person who sells, gives or in any manner whatever furnishes or transfers to or for any other person any ticket, chance, share [,] or interest, or any paper, certificate or instrument purporting or understood to be or to represent any ticket, chance, share or interest in or depending upon the event of any lottery *, except as authorized pursuant to this chapter,* is guilty of a misdemeanor.

Sec. 25. NRS 462.040 is hereby amended to read as follows:

462.040 [Every] *A* person who *intentionally* aids or assists, either by printing, writing, advertising, publishing or otherwise, in setting up, managing or drawing any lottery [,] *in violation of this chapter,* or in selling or disposing of any ticket, chance or share therein, is guilty of a misdemeanor.

Sec. 26. NRS 462.050 is hereby amended to read as follows:

462.050 Every person who opens, sets up or keeps by himself or by any other person any office or other place for the sale of or for registering the number of any ticket in any lottery [,] *in violation of this chapter,* or who by

printing, writing or [otherwise] *other means intentionally* advertises or publishes the setting up, opening or using of any such office, is guilty of a misdemeanor.

Sec. 27. NRS 462.065 is hereby amended to read as follows:

462.065 Upon a trial for violation of any of the provisions of [NRS 462.010 to 462.060, inclusive, it shall] *this chapter, it is* not necessary to prove the existence of any lottery in which any lottery ticket [shall purport] *purports* to have been issued, nor to prove the actual signing of any such ticket or share, or pretended ticket or share of any pretended lottery, nor that any lottery ticket, share [,] or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager; but in all cases proof of the sale, furnishing, bartering [,] or procuring of any ticket, share [,] or interest therein, or of any instrument purporting to be a ticket, or part or share of any such ticket, [shall be] *constitutes* evidence that such share or interest was signed and issued according to the purport thereof.

Sec. 28. NRS 462.070 is hereby amended to read as follows:

462.070 [Every] *A* person who lets or permits to be used any building or vessel, or any portion thereof, knowing that it is to be used for setting up, managing or drawing any lottery [,] *in violation of this chapter,* or for the purpose of selling or disposing of lottery tickets [,] *in violation of this chapter,* is guilty of a misdemeanor.

Sec. 29. NRS 462.080 is hereby amended to read as follows:

462.080 1. All [moneys] *money* and property offered for sale or distribution in violation of any of the provisions of [NRS 462.010 to 462.060, inclusive,] *this chapter* are forfeited to the state, and may be recovered by information filed or by an action brought by the attorney general or by any district attorney, in the name of the state.

2. Upon the filing of the information or complaint, the clerk of the court, or if the suit [be] *is* in a justice's court, the justice, must issue an attachment against the property mentioned in the complaint or information, which attachment has the same force and effect against such property and is issued in the same manner as attachments from the district courts in civil cases.

Sec. 30. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Lottery" has the meaning ascribed to it in NRS 462.010.*

Sec. 31. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0134 to 463.0197, inclusive, *and section 30 of this act,* have the meanings ascribed to them in those sections.

Sec. 32. NRS 463.0134 is hereby amended to read as follows:

463.0134 "Applicant" means any person who has applied for or is about to apply for a state gaming license, manufacturer's license, distributor's license, registration or finding of suitability under the provisions of this chapter [or] , *a finding of suitability regarding the operation of a lottery under the provisions of chapter 462 of NRS,* a pari-mutuel wagering license

under the provisions of chapter 464 of NRS, or approval of any act or transaction for which commission approval is required or permitted under the provisions of this chapter or chapter 464 of NRS.

Sec. 33. NRS 463.0135 is hereby amended to read as follows:

463.0135 "Application" means a request for the issuance of a state gaming license, manufacturer's, seller's or distributor's license, registration or finding of suitability under the provisions of this chapter [or] , *for a finding of suitability regarding the operation of a lottery under the provisions of chapter 462 of NRS, for* a pari-mutuel wagering license under the provisions of chapter 464 of NRS , or for approval of any act or transaction for which commission approval is required or permitted under the provisions of this chapter or chapter 464 of NRS.

Sec. 34. NRS 463.0152 is hereby amended to read as follows:

463.0152 "Game" or "gambling game" means any game played with cards, dice, equipment or any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including [, without limiting the generality of the foregoing,] *without limitation,* faro, monte, roulette, keno, bingo, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck, Chinese chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, any banking or percentage game or any other game or device approved by the commission, but does not include games played with cards in private homes or residences in which no person makes money for operating the game, except as a player, [or] games operated by charitable or educational organizations which are approved by the board pursuant to the provisions of NRS 463.409 [.] , *or a lottery.*

Sec. 35. NRS 463.140 is hereby amended to read as follows:

463.140 1. The provisions of this chapter with respect to state gaming licenses and manufacturer's, seller's and distributor's licenses must be administered by the board and the commission, which shall administer them for the protection of the public and in the public interest in accordance with the policy of this state.

2. The board and the commission and their agents may:

(a) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed.

(b) Inspect all equipment and supplies in, upon or about such premises.

(c) Summarily seize and remove from such premises and impound any equipment or supplies for the purpose of examination and inspection.

(d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of applicants and licensees, on their premises, or elsewhere as practicable, and in the presence of the licensee or his agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter.

3. For the purpose of conducting audits after the cessation of gaming by a licensee, the former licensee shall furnish, upon demand of an agent of the

board, books, papers and records as necessary to conduct the audits. The former licensee shall maintain all books, papers and records necessary for audits for a period of 1 year after the date of the surrender or revocation of his gaming license. If the former licensee seeks judicial review of a deficiency determination or files a petition for a redetermination, he must maintain all books, papers and records until a final order is entered on the determination.

4. The board may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter or chapter *462*, 463B, 464 or 465 of NRS. For the purpose of the administration and enforcement of this chapter and chapters *462*, 463B, 464 and 465 of NRS, and of chapter 205 of NRS so far as it involves crimes against the property of gaming licensees, the board, the commission and the executive, supervisory and investigative personnel of both the board and the commission have the powers of a peace officer of this state.

5. For the purpose of protecting members of the board and of the commission and their property, and providing security at meetings of the board and of the commission, the employees of the enforcement division of the board have the powers of a peace officer of this state.

6. The board and the commission or any of its members has full power and authority to issue subpenas and compel the attendance of witnesses at any place within this state, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The board or the commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making false oath in any matter before either the board or commission is guilty of perjury. The board and commission or any member thereof may appoint hearing examiners who may administer oaths and receive evidence and testimony under oath.

Sec. 36. NRS 463.141 is hereby amended to read as follows:

463.141 The commission or board shall initiate proceedings or actions appropriate to enforce the provisions of this chapter [,] *and chapter 462 of NRS,* and may request that a district attorney or recommend that the attorney general prosecute any public offense committed in violation of any provision of this chapter or of chapter *462*, 463B or 464 of NRS. If the board initiates any action or proceeding or requests the prosecution of any offense, it shall immediately notify the commission.

Sec. 37. NRS 463.170 is hereby amended to read as follows:

463.170 1. Any person who the commission determines is qualified to receive a license or be found suitable under the provisions of this chapter, *or to be found suitable regarding the operation of a lottery under the provisions of chapter 462 of NRS,* having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the State of Nevada and the declared policy of this state, may be issued a state gaming license or found suitable [.] *, as appropriate.* The burden of proving his qualification to receive any license or be found suitable is on the applicant.

2. An application to receive a license or be found suitable [shall] *must* not be granted unless the commission is satisfied that the applicant is:

(a) A person of good character, honesty and integrity;

(b) A person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming [,] *or lotteries,* or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming *or lotteries* or *in* the carrying on of the business and financial arrangements incidental thereto; and

(c) In all other respects qualified to be licensed or found suitable consistently with the declared policy of the state.

3. A license to operate a gaming establishment [shall] *must* not be granted unless the applicant has satisfied the commission that:

(a) He has adequate business probity, competence and experience, in gaming or generally; and

(b) The proposed financing of the entire operation is:

(1) Adequate for the nature of the proposed operation; and

(2) From a suitable source.

Any lender or other source of money or credit which the commission finds does not meet the standards set forth in subsection 2 may be deemed unsuitable.

4. An application to receive a license or be found suitable constitutes a request for a determination of the applicant's general character, integrity, and ability to participate or engage in, or be associated with gaming [.] *or the operation of a lottery, as appropriate.* Any written or oral statement made in the course of an official proceeding of the board or commission by any member thereof or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

5. The commission may in its discretion grant a license to a corporation which has complied with the provisions of NRS 463.490 to 463.530, inclusive.

6. The commission may in its discretion grant a license to a limited partnership which has complied with the provisions of NRS 463.564 to 463.571, inclusive.

7. No limited partnership, except one whose sole limited partner is a publicly traded corporation which has registered with the commission, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under this chapter unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of this chapter.

8. The commission may, by regulation, limit the number of persons who may be financially interested and the nature of their interest in any corporation or other organization or association licensed under this chapter, and

establish such other qualifications for licenses as they may, in their discretion, deem to be in the public interest and consistent with the declared policy of the state.

Sec. 38. NRS 463.310 is hereby amended to read as follows:

463.310 1. The board shall make appropriate investigations:

(a) To determine whether there has been any violation of this chapter or chapter *462,* 464 or 465 of NRS or any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to this chapter or chapter *462,* 464 or 465 of NRS.

(e) As directed by the commission.

2. If, after any investigation the board is satisfied that a license, registration, finding of suitability, pari-mutuel license or prior approval by the commission of any transaction for which the approval was required or permitted under the provisions of this chapter or chapter *462 or* 464 of NRS should be limited, conditioned, suspended or revoked, it shall initiate a hearing before the commission by filing a complaint with the commission in accordance with NRS 463.312 and transmit therewith a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the board.

3. Upon receipt of the complaint of the board, the commission shall review it and all matter presented in support thereof, and shall conduct further proceedings in accordance with NRS 463.3125 to 463.3145, inclusive.

4. After the provisions of subsections 1, 2 and 3 have been complied with, the commission may:

(a) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;

(b) Limit, condition, suspend or revoke any registration, finding of suitability, pari-mutuel license, or prior approval given or granted to any applicant by the commission;

(c) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment; and

(d) Fine each person or entity or both, who was licensed, registered or found suitable pursuant to this chapter or chapter 464 of NRS or who previously obtained approval for any act or transaction for which commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS:

(1) Not less than $10,000 nor more than $250,000 for each separate violation of any regulation adopted pursuant to NRS 463.125 which is the subject of an initial or subsequent complaint; or

(2) Except as otherwise provided in subparagraph 1 of this paragraph, not more than $100,000 for each separate violation of the provisions of this chapter or chapter 464 or 465 of NRS or of the regulations of the commission which is the subject of an initial complaint and not more than $250,000 for each separate violation of the provisions of this chapter or chapter 464 or 465 of NRS or of the regulations of the commission which is the subject of any subsequent complaint.

All fines must be paid to the state treasurer for deposit in the state general fund.

5. For the second violation of any provision of chapter 465 of NRS by any licensed gaming establishment or individual licensee, the commission shall revoke the license of the establishment or person.

6. If the commission limits, conditions, suspends or revokes any license or imposes a fine, or limits, conditions, suspends or revokes any registration, finding of suitability, pari-mutuel license or prior approval, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based.

7. Any such limitation, condition, revocation, suspension or fine so made is effective until reversed upon judicial review, except that the commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

8. Judicial review of any such order or decision of the commission may be had in accordance with NRS 463.315 to 463.318, inclusive.

Sec. 39. NRS 463.339 is hereby amended to read as follows:

463.339 An applicant for licensing, registration, finding of suitability, work permit or any approval or consent required by this chapter *or chapter 462 of NRS* shall make full and true disclosure of all information to the board, commission or other relevant governmental authority as necessary or appropriate in the public interest or as required in order to carry out the policies of this state relating to licensing and control of the gaming industry [.] *and the operation of lotteries.*

Sec. 40. NRS 463.343 is hereby amended to read as follows:

463.343 1. The board or commission or any applicant, licensee, person found suitable, holding company, intermediary company or publicly traded corporation which is registered with the commission may obtain a judicial determination of any question of construction or validity arising under this chapter *, chapter 462 of NRS* or any regulation of the commission by bringing an action for a declaratory judgment in the First Judicial District Court of the State of Nevada in and for Carson City, or in the district court of the district in which the plaintiff resides or does business, in accordance with the provisions of chapter 30 of NRS.

2. When an action is brought by a person other than the board or commission, the commission must be made a party to the action and the attorney general must be served with a copy of the complaint and is entitled to appear in the action.

3. Statutes and regulations reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the state.

4. The filing of a complaint for judicial determination under this section does not stay enforcement of any commission or board action. The board or commission may grant a stay upon appropriate terms.

5. In any proceeding brought under this section, the district court shall not grant any injunctive relief or relief based upon any other extraordinary common law writ to:

(a) Any applicant for licensing, finding of suitability or registration;

(b) Any person who has been ordered by the board or commission to submit his application for licensing, finding of suitability or registration;

(c) Any person seeking judicial review of an action of the commission which is subject to the provisions of NRS 463.315 to 463.318, inclusive; or

(d) Any person who is adversely affected by the appointment of a supervisor pursuant to chapter 463B of NRS.

Sec. 41. NRS 463.346 is hereby amended to read as follows:

463.346 1. The attorney general, at the direction of the commission, may institute a civil action in any district court of this state against any person subject to this chapter or chapter *462*, 464 or 465 of NRS to restrain a violation of this chapter or chapter *462*, 464 or 465 of NRS.

2. The district court shall give priority over other civil actions to an action brought pursuant to this section.

3. An action brought against a person pursuant to this section does not preclude a criminal action or administrative proceeding against that person.

Sec. 42. NRS 463.3465 is hereby amended to read as follows:

463.3465 1. If a district attorney in whose county a violation of this chapter or of chapter *462*, 463B, 464 or 465 of NRS occurs fails to file a complaint or information for that offense or present it to a grand jury, within 15 days after the commission or board so requests in writing, the commission or board may recommend to the attorney general that he file a complaint or information or present the matter to a grand jury, as the facts may warrant, and thereafter proceed as appropriate to complete the prosecution. Upon a written recommendation to prosecute from the commission or board, the attorney general may so file the matter without leave of court and has exclusive charge of the prosecution.

2. If a district attorney declines to prosecute [a gaming offense] *such a violation* after receiving a written request to do so from the commission or board, he may respond in writing to the commission or board within the 15-day period specified in subsection 1 and state the reasons why he declines.

Sec. 43. NRS 207.080 is hereby amended to read as follows:

207.080 1. For the purpose of NRS 207.080 to 207.150, inclusive, a "convicted person" is:

(a) Any person convicted in the State of Nevada of an offense punishable as a felony or convicted in any place other than the State of Nevada of a felony or any other offense which is punishable by imprisonment for 1 year or more.

(b) Any person convicted in the State of Nevada, or elsewhere, of the violation of any law, whether the violation is or is not punishable as a felony:

(1) Relating to or regulating the possession, distribution, furnishing or use of any habit-forming drug of the kind or character described and referred to in the Uniform Controlled Substances Act.

(2) Regulating or prohibiting the carrying, possession or ownership of any concealed weapon, or deadly weapon, or any weapon capable of being concealed, or regulating or prohibiting the possession, sale or use of any device, instrument or attachment designed or intended to be used to silence the report or conceal the discharge or flash of any firearm.

(3) Regulating or prohibiting the use, possession, manufacture or compounding of tear gas, or any other gas, which may be used to disable temporarily or permanently any human being.

(c) Any person convicted of a crime in the State of Nevada, under [the provisions of] one or more of *the provisions of* NRS 122.220, 201.120 to 201.170, inclusive, 201.249, 201.251, 201.270, 201.360 to 201.400, inclusive, 201.420, 202.010, 202.040, 202.055, 202.200 to 202.230, inclusive, 212.170, 212.180, 433.564, 451.010 to 451.040, inclusive, 452.300, [462.010 to 462.080, inclusive,] 465.070 to 465.085, inclusive, 646.010 to 646.060, inclusive, 647.095, 647.100, 647.110, 647.120, 647.130, 647.140 and 647.145, *and chapter 462 of NRS,* or convicted, in any place other than the State of Nevada, of an offense which, if committed in this state, would have been punishable under one or more of those sections.

(d) Any person convicted in the State of Nevada or elsewhere of any attempt or conspiracy to commit any offense described or referred to in NRS 207.080 to 207.150, inclusive.

2. Any person, except as set forth in NRS 207.090 to 207.150, inclusive, whose conviction is or has been set aside in the manner provided by law shall not be deemed a convicted person.''.

Amend the title of the bill to read as follows:

''An Act relating to lotteries; authorizing the operation of certain lotteries and providing for their regulation; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Authorizes operation of certain lotteries and provides for their regulation. (BDR 41-1060)''.

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

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

Assembly in recess at 12:19 p.m.

## ASSEMBLY IN SESSION

At 12:20 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 978.

Amend section 1, page 1, by deleting lines 8 through 10 and inserting:

"2. For every motorcycle, a fee for registration of $23 [.] *and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.*".

Amend the bill as a whole by deleting sections 2 through 8 and adding new sections designated sections 2 through 9, following section 1, to read as follows:

"Sec. 2. Chapter 486 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. *"Program" means the program for the education of motorcycle riders.*

Sec. 4. *1. The director shall:*

*(a) Establish the program.*

*(b) Appoint an administrator to carry out the program.*

*(c) Consult regularly with the advisory committee for motorcycle safety concerning the content and implementation of the program.*

*(d) Approve courses of instruction provided by public or private organizations which comply with the requirements established for the program.*

*(e) Adopt rules and regulations which are necessary to carry out the program.*

*2. The director may contract for the provision of services necessary for the program.*

*3. The money in the account for the program for the education of motorcycle riders may be used only to pay the expenses of the program, including reimbursement to instructors licensed pursuant to section 7 of this act for services provided for the program. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.*

Sec. 5. *1. A resident of this state who holds a motorcycle driver's license or a motorcycle endorsement to a driver's license or who is eligible to apply for such a license or endorsement may enroll in the program.*

*2. The director shall establish a fee of not more than $100 for the program.*

Sec. 6. *The program must:*

*1. Be taught by an instructor certified pursuant to section 7 of this act.*

*2. Include:*

*(a) Instruction relating to the development of proper habits and skills necessary for the safe operation of a motorcycle;*

*(b) Instruction relating to the effects of alcohol and controlled substances on the operator of a motorcycle; and*

*(c) At least 8 hours of instruction in the actual operation of a motorcycle for inexperienced operators and at least 4 hours of instruction in the actual operation of a motorcycle for experienced operators.*

*3. Each course of instruction must be approved by the director before it is offered to persons enrolled in the program. The director shall not approve any course of instruction which does not meet or exceed the requirements established for courses for the education of motorcycle riders by nationally recognized public or private organizations approved by the director.*

Sec. 7. *1. A person who:*

*(a) Is a resident of this state;*

*(b) Is at least 21 years old;*

*(c) Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the department;*

*(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and*

*(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the director,*

*may apply to the department for a license as an instructor for the program.*

*2. The department shall not license a person as an instructor if, within 3 years before he submits his application for a license:*

*(a) He has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of traffic violations of comparable number and severity in another jurisdiction; or*

*(b) His driver's license was suspended or revoked in any jurisdiction.*

*3. The director shall adopt standards and procedures for the licensing of instructors for the program.*

Sec. 8. *1. The advisory board on motorcycle safety, consisting of five members appointed by the governor, is hereby created.*

*2. The governor shall appoint to the board:*

*(a) One member who is a retail motorcycle dealer;*

*(b) One member who is a peace officer and operates a motorcycle in carrying out his duties;*

*(c) One member who is an instructor licensed pursuant to section 7 of this act; and*

*(d) Two members of the general public with experience operating a motorcycle. Not more than one of the members of the general public may be a commercial dealer, distributor or manufacturer of motorcycles.*

*3. After the initial terms, the members of the advisory board on motorcycle safety serve terms of 3 years. No member of the board may serve more than two consecutive terms.*

*4. The board shall elect a chairman from among its members.*

*5. The board shall meet at least twice each year and may meet upon a call of the chairman.*

*6. If a vacancy occurs during the term of a member, the governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.*

*7. The governor may remove a member from the board if the member neglects his duty or commits malfeasance in office.*

*8. Members of the board serve without compensation but are entitled to receive reimbursement from the account for the program for the education of motorcycle riders for the actual amounts of their reasonable and necessary expenses while engaged in the business of the board.*

Sec. 9. *1. The board shall:*

*(a) Advise and assist the director and the administrator of the program in developing, establishing and maintaining the program;*

*(b) Regularly review the program and make recommendations to the director and the administrator of the program relating to the administration and content of the program; and*

*(c) Submit a report, not later than January 1 of each odd-numbered year, to the governor and the director of the legislative counsel bureau for presentation to the legislature.*

*2. The report must include:*

*(a) The number of courses offered in the program.*

*(b) The address of each location where a course was offered.*

*(c) The number of instructors licensed pursuant to section 7 of this act.*

*(d) The number of persons who have completed the program in the preceding 2 years and the number of persons who have completed the program since it was established.*

*(e) The amount of fees for motorcycle safety collected pursuant to subsection 2 of NRS 482.480.*

*(f) A detailed accounting of the expenses of the program.*

*3. The director shall make copies of the report available for distribution to the public.*".

Amend the bill as a whole by renumbering sections 9 through 12 as sections 10 through 13.

Amend sec 9, page 4, lines 9 and 10, by deleting "*4 to 8,*" and inserting "*3 to 9,*".

Amend sec. 9, page 4, line 11, by deleting "*4*" and inserting "*3*".

Amend sec. 10, page 4, by deleting lines 16 and 17, and inserting: "*not include the program for the education of motorcycle riders established pursuant to section 4 of this act.*".

Amend sec. 11, page 4, line 24, after "2." by inserting: "The governor shall appoint, to the initial term of the member who is required to be appointed pursuant to paragraph (c) of subsection 2 of section 8 of this act, a person who is eligible for a license as an instructor pursuant to section 7 of this act.

3.".

Amend sec. 11, page 4, line 25, by deleting "July" and inserting "January".

Amend the title of the bill to read as follows:

"An Act relating to motorcycles; establishing a program for the education of motorcycle riders; creating the advisory board on motorcycle safety; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes program for education of motorcycle riders. (BDR 43-1428)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 575.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 825.

Amend sec. 3, page 1, by deleting lines 13 and 14 and inserting:

"*(a) Headlamps;*

*(b) Tail lamps, reflectors, stop lamps and an emblem or placard for slow moving vehicles.*".

Amend sec. 6, page 3, line 1, by deleting: "*a fee of $10, which*" and inserting: "*an annual fee of $10.*".

Amend sec. 6, page 3, by deleting line 2.

Assemblyman Little moved the adoption of the amendment.

Remarks by Assemblymen Little, Arberry and Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 591.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 885.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend sec. 2, page 1, line 6, by deleting: "*take an examination*" and inserting: "*submit an application*".

Amend sec. 2, page 1, line 14 by deleting "*homes*" and inserting: "*homes, commercial coaches*".

Amend the bill as a whole by renumbering sec. 4 as sec. 7 and adding new sections designated sections 4, 5 and 6, following sec. 3, to read as follows:

"Sec. 4. *1. A person who charges or collects an advance fee shall, within 3 months after charging or collecting such a fee, furnish to his principal an accounting of the use of the money. The administrator also may require an accounting by the person of the use of the money.*

*2. A person shall not accept an advance fee listing unless he is a dealer, responsible managing employee or salesman who is licensed pursuant to this chapter.*

*3. The administrator may adopt regulations concerning advance fee listings and the charging and collecting of an advance fee, including, but not limited to:*

*(a) Forms to be used for advance fee agreements; and*

*(b) Reports and forms of accounting required to be kept, made or submitted to the division.*

*4. A violation of this section or the regulations adopted pursuant to this section constitutes grounds for disciplinary action against a licensee.*

*5. As used in this section:*

*(a) "Advance fee" means the money contracted for, charged, claimed, collected, demanded or received for an advance fee listing of, an advertisement for or an offer to sell a manufactured home, mobile home or commercial coach, if the advance fee listing, advertisement or offer is issued to promote the sale of a manufactured home, mobile home or commercial coach or for referral to a business, to dealers or to salesmen, before the last printing or other last issuance thereof, other than by a newspaper of general circulation.*

*(b) "Advance fee listing" includes, but is not limited to:*

*(1) The name or a list of the names of owners, prospective buyers or exchangers, or the location of a manufactured home, mobile home or commercial coach that is offered for sale or exchange.*

*(2) The location at which prospective or potential buyers or exchangers of manufactured homes, mobile homes or commercial coaches may be communicated with or found.*

*(3) An agreement by which a person who is engaged in the business of promoting the sale of manufactured homes, mobile homes or commercial coaches agrees to render to an owner or buyer any service to promote the sale of the manufactured home, mobile home or commercial coach for an advance fee.*

*(4) An agreement by which a person agrees to locate or to promote the sale of a manufactured home, mobile home or commercial coach for an advance fee.*

*The term does not include any publication issued for general circulation.*

Sec. 5. NRS 489.331 is hereby amended to read as follows:

489.331 1. The division shall adopt regulations for the issuance of limited dealer's licenses authorizing licensed real estate brokers to sell used manufactured homes and used mobile homes when the sale is [incidental to] *in connection with* the sale of [an] *a fee simple* interest in real property and the used manufactured home or used mobile home is situated on the real property sold. The regulations [may] *must* not be more strict than the regulations in effect which pertain to licenses for other dealers. An applicant for a limited dealer's license is not required to have sufficient space to display used manufactured homes or used mobile homes at his established place of business.

2. If a licensed real estate broker holds a limited dealer's license, he and his licensed salesmen may sell used manufactured homes and used mobile

homes when the sale is [incidental to] *in connection with* the sale of [an] *a fee simple* interest in real property and the used manufactured home or used mobile home is situated on the real property sold.

Sec. 6. NRS 489.341 is hereby amended to read as follows:

489.341 1. A person [may] *shall* not act as a salesman in this state or as a responsible managing employee for a person who sells, leases, reconstructs, improves, repairs or installs any manufactured home, mobile home or commercial coach subject to the provisions of this chapter without first having received a license from the division. Before issuing such a license, the division shall require:

(a) An application, signed and verified by the applicant, stating that he desires to act as a salesman or responsible managing employee and providing his residential address and the name and address of his employer.

(b) Proof of the employment of the applicant at the time the application is filed. *An applicant for a license as a responsible managing employee shall submit proof of 2 years' experience within the previous 4 years in the business in which the applicant is seeking to be licensed as a responsible managing employee.*

(c) Proof of the applicant's good character and reputation and of his fitness to act as a salesman or responsible managing employee.

(d) A complete set of his fingerprints and written permission authorizing the administrator to forward those fingerprints to the Federal Bureau of Investigation for its report. The administrator may exchange with the Federal Bureau of Investigation any information respecting the fingerprints of an applicant . [under this section.]

(e) A statement as to whether any previous application of the applicant has been denied or license revoked.

(f) Payment of a reasonable license fee established by regulation.

(g) The applicant to have passed the examination required by NRS 489.351.

(h) Any other information the division deems necessary.

2. Within 60 days after receipt of a complete application, the division shall issue or deny the license.

3. The administrator may issue a provisional license pending receipt of the report from the Federal Bureau of Investigation. Upon receipt of the report and a determination by the administrator that the applicant is qualified, the administrator shall issue to the applicant a license as a salesman or a responsible managing employee. The license must contain the licensee's name and the address of his employer's place of business.

4. Each license is valid for [a period of] 2 years from the date of issuance and may be renewed for like consecutive periods upon application to and approval by the division.

5. A person licensed pursuant to this section [may] *shall* not engage in sales activity other than for the account of or for and in behalf of a single employer who is a licensed dealer, rebuilder, serviceman or installer.

6. A license issued [under] *pursuant to* this section may be transferred to another licensed employer upon application and the payment of a transfer

fee of $10. When a salesman or responsible managing employee holding a current license leaves the employment of one dealer, rebuilder, serviceman or installer for that of another, the new employer may employ the salesman or responsible managing employee pending the transfer of the license if the transfer is completed within 10 days.

7. A license issued pursuant to this section must be posted in a conspicuous place on the premises of the employer for whom [he] *the holder of the license* is licensed.

8. If a salesman or responsible managing employee ceases to be employed by a licensed dealer, rebuilder, serviceman, or installer, his license to act as a salesman or responsible managing employee is automatically suspended and his right to act in that capacity immediately ceases, and he shall not engage in such an activity until reemployed by a licensed dealer, rebuilder, serviceman or installer. Every licensed salesman and responsible managing employee shall report in writing to the division every change in his place of employment, or termination of employment within 5 days of the date of making the change.".

Amend sec. 4, page 2, by deleting line 33 and inserting:

"Sec. 7. 1. This section and sections 1 and 3 to 6, inclusive, of this act, become effective on October 1, 1991.

2. Section 2 of this act becomes effective on July 1, 1992.".

Amend the title of the bill, third line, after the semicolon by inserting: "providing for the regulation of advance fees and advance fee listings;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to manufactured housing. (BDR 43-1091)".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 664.

Bill read second time.

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

Amendment No. 933.

Amend the bill as a whole by deleting sections 1 through 16 and the leadlines of repealed sections and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 279.572 is hereby amended to read as follows:

279.572 *1.* Every redevelopment plan must show:

[1.] *(a)* The amount of open space to be provided and the layout of streets.

[2.] *(b)* Limitations on type, size, height, number and proposed use of buildings.

[3.] *(c)* The approximate number of dwelling units.

[4.] *(d)* The property to be devoted to public purposes and the nature of those purposes.

[5.] *(e)* Other covenants, conditions and restrictions which the legislative body prescribes.

[6.] *(f)* The proposed method of financing the redevelopment plan in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

*2. As appropriate for the particular project, each plan must also include an employment plan. The employment plan must include:*

*(a) A description of the existing opportunities for employment within the area.*

*(b) A projection of the effect that the redevelopment project will have on local employment opportunities.*

*(c) A description of the manner in which employers relocating their businesses into the area will be encouraged to employ persons living within the area of operation who are:*

*(1) Economically disadvantaged.*

*(2) Physically handicapped.*

*(3) Members of racial minorities.*

*(4) Veterans.*

*(d) A copy of the recruitment agreement which will be entered into by the agency and local employers. The agreement must set forth the manner in which the services of recruitment, referral and placement and related training will be provided.*".

Amend the title of the bill to read as follows:

"An Act relating to the redevelopment of communities; requiring redevelopment plans to include an employment plan and a recruitment agreement; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires redevelopment plans to include employment plan and recruitment agreement. (BDR 22-48)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 717.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 914.

Amend sec. 3, page 1, by deleting lines 8 through 10 and inserting: "*former client, if the sexual penetration or sexual contact occurred sooner than 2 years after his last professional contact with the therapist.*".

Amend sec. 7, page 1, line 24, by deleting "*Any*" and inserting: "*Except as otherwise provided in subsection 4, any*".

Amend sec. 7, page 2, line 7, by deleting "*treatment,*" and inserting "*psychotherapy,*".

Amend sec. 7, page 2, between lines 11 and 12, by inserting:

"*4. This section does not prohibit a psychologist or physician from conducting bona fide treatment for sexual dysfunction.*".

Amend sec. 9, page 2, line 34, by deleting "*inform the*" and inserting: "*inform a custodial*".

Amend sec. 9, page 2, line 35, by deleting the period and inserting: ", *unless he is required by NRS 432B.220 to file such a report.*".

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

"Sec. 10. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

*An action by a client against a therapist for damages resulting from his sexual penetration of or sexual contact with the client:*

*1. During the course of the professional relationship; or*

*2. Within 2 years after the termination of the professional relationship,*

*must be commenced within 10 years after the discovery by the client that the action committed by the therapist constituted a violation of section 7 of this act.*".

Amend the title of the bill, third line, after "therapist;" by inserting: "extending the period of limitation for a related civil action;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 739.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 769.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1032.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Title 3 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 3. "Person" includes a government, a governmental agency and a political subdivision of a government.

Sec. 4. "Physical injury" means:

1. Permanent or temporary disfigurement of any part of the body; or

2. Impairment of any bodily function or organ of the body.

Sec. 5. "Public hazard" means any:

1. Product or object manufactured, distributed, sold or used in this state; or

2. Condition arising from such a product or object,

the normal or reasonably anticipated use of which has previously caused and is likely to cause physical injury and for which no adequate warning has been given.

Sec. 6. 1. Except as otherwise provided by a specific statute, a court shall not, absent good cause, enter an order or judgment which has the effect of limiting public access to any records filed with the court in any civil action related to an alleged public hazard, including any agreement in settlement of the action. Before entering such an order or judgment, the court shall cause the representatives of the local news media to be notified in writing of the court's intention to consider limiting public access to the court records.

2. This section does not require public access to or notification of the news media of a court's intention to limit access to:

(a) Any document or record acquired through discovery;

(b) A trade secret;

(c) Any commercial or financial information;

(d) Information regarding criminal or civil liability relating to a public hazard;

(e) Information regarding the conduct of the parties to a legal action related to a public hazard, if that information is privileged or irrelevant to prove the existence of a public hazard;

(f) The name of a party or witness involved in a legal action related to a public hazard;

(g) The amount of money, if any, paid as consideration for the settlement of a claim related to a public hazard; or

(h) Any other information which is not necessary for the disclosure of the existence of a public hazard.

3. The provisions of this section do not modify the Nevada Rules of Civil Procedure or any right conferred by a specific statute.

Sec. 7. 1. Any provision of a contract requiring the concealment of information that may be useful to members of the public in protecting themselves from physical injury which may result from a public hazard, is voidable by the court upon a finding that:

(a) The information relates to a public hazard; and

(b) No good cause exists for its concealment.

Such a finding by the court of good cause for concealment must be based upon a showing that a specific and substantial interest outweighs any likely adverse effect on public health and safety.

2. This section does not declare voidable any provision of a contract requiring the concealment of:

(a) Any document or record acquired through discovery;

(b) A trade secret;

(c) Any commercial or financial information;

(d) Information regarding criminal or civil liability relating to a public hazard;

(e) Information regarding the conduct of the parties to a legal action related to a public hazard, if that information is privileged or irrelevant to prove the existence of a public hazard;

(f) The name of a party or witness involved in a legal action related to a public hazard;

(g) The amount of money, if any, paid as consideration for the settlement of a claim related to a public hazard; or

(h) Any other information which is not necessary for the disclosure of the existence of a public hazard.

Sec. 8. 1. Any substantially affected person, including a representative of the news media, has standing to contest an order or judgment which violates section 6 of this act. A person may contest such an order or judgment by filing a motion in the court that entered the order or judgment to contest it and request a showing of good cause for the limitation of access.

2. All cases in which the validity of such an order or judgment is questioned must be heard in a timely manner.

Sec. 9. 1. If a motion is filed pursuant to section 8 of this act, the court shall hold a hearing and examine the disputed information in camera. The person attempting to limit access to the information must show good cause for the limitation of access. All persons of record must be notified of the hearing.

2. If the court finds good cause to limit access to the information, the court shall affirm the limitation. If the court does not find good cause for the limitation, the court shall allow disclosure of only that portion of the information necessary to protect members of the public from physical injury which may result from the public hazard.

3. Such a finding by the court of good cause to limit access to the information must be based upon a showing that a specific and substantial interest outweighs any likely adverse effect on public health and safety.

Sec. 10. The provisions of this act apply to:

1. Any order or judgment entered by a court on or after July 1, 1991.

2. Any contract entered into on or after July 1, 1991.

Sec. 11. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to public hazards; prohibiting a court under certain circumstances from entering an order or judgment which limits public access to certain court records; declaring voidable any provision of a contract requiring the concealment of certain information regarding a public hazard; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "void" and inserting "voidable".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer and Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 989.

Amend sec. 14, page 7, by deleting line 17 and inserting: "[provisions of NRS 233B.130 to 233B.150, inclusive.] *rules adopted therefor*".

Amend sec. 19, page 10, by deleting line 5 and inserting: "pursuant to [the provisions of NRS 233B.130 to 233B.150, inclusive,] *NRS 425.3834* upon".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 123.

Bill read second time and ordered to third reading.

Senate Bill No. 245.

Bill read second time and ordered to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:
Amendment No. 685.

Amend sec. 9, page 2, by deleting lines 46 and 47 and inserting:

"(a) One member who is a representative of the general public;".

Amend sec. 10, page 3, line 27, by deleting "approve" and inserting "discuss".

Amend the bill as a whole by adding a new section designated sec. 22.5, following sec. 22, to read as follows:

"Sec. 22.5. Any records or information obtained during the course of an investigation by the board are confidential until the investigation is completed. Upon completion of the investigation, the records and information are public records if:

1. Disciplinary action is imposed by the board as a result of the investigation; or

2. The person under investigation submits a written request to the board asking that the information and records be made public records.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time and ordered to third reading.

Senate Bill No. 455.

Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 564.
Bill read second time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 944.
Amend sec. 2, page 2, by deleting lines 31 through 33 and inserting: "*an applicant for a license as a seller is confidential and may only be released to a law enforcement agency, to a court of competent jurisdiction or by order of a court of competent jurisdiction.*".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblymen Arberry and Porter.
Assemblyman Porter requested that his remarks be entered in the Journal.
Thank you, Madam Speaker pro Tempore. I simply want to rise and declare a conflict. My law firm represents several individuals that are engaged in this industry. I would also like the record to reflect that I did not chair the hearing on this. My vice chairman did and I was absent from the room. Consequently, I would like to be recorded as abstaining on this amendment and I will be abstaining on the bill on General File. Thank you.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 572.
Bill read second time and ordered to third reading.

Senate Bill No. 598.
Bill read second time and ordered to third reading.

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

Assembly in recess at 12:37 p.m.

## ASSEMBLY IN SESSION

At 12:38 p.m.
Mr. Speaker presiding.
Quorum present.

### SECOND READING AND AMENDMENT

Senate Joint Resolution No. 22.
Resolution read second time and ordered to third reading.

Assembly Bill No. 104.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 1057.
Amend section 1, page 1, by deleting lines 2 through 12 and inserting:
"360.215 The department [may:
1. Assist] :

*1. May assist* the county assessors in appraising property within their respective counties which the ratio study shows to be [assessed at more or less than 35 percent of its taxable value.

2. Consult] *in need of reappraisal.*

*2. Shall consult* with and assist county assessors to develop and maintain standard assessment procedures to be applied and used in all of the counties of the state, to [the end] *ensure* that assessments of property by county assessors are made equal in each of the several counties of this state.

[3. Visit] *These procedures must include uniform methods for:*

*(a) Assessing, projecting and reporting construction work in progress and other new property; and*

*(b) Counting and reporting housing units.*

*3. Shall visit* a selective cross section of assessable properties within the vari-".

Amend section 1, page 1, line 18, by deleting "4. Carry" and inserting: "4. [Carry] *Shall carry*".

Amend section 1, page 2, line 1, by deleting "5. Carry" and inserting: "5. [Carry] *Shall carry*".

Amend section 1, page 2, line 7, by deleting "6. Continually" and inserting: "6. [Continually] *Shall continually*".

Amend section 1, page 2, line 14, by deleting "7. Carry" and inserting: "7. [Carry] *Shall carry*".

Amend section 1, page 2, line 18, by deleting "8. Conduct" and inserting: "8. [Conduct] *May conduct*".

Amend section 1, page 2, between lines 22 and 23 by inserting:

"*9. Shall establish and maintain a manual of assessment policies and procedures.*".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 38 and adding new sections designated sections 2 through 37, following section 1, to read as follows:

"Sec. 2. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall *transmit to the county clerk,* post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county.

*2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow him a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.*

*3.* Except as otherwise provided in subsection [3,] *4,* each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and direct the county assessor:

(a) To cause such list and valuations to be printed and delivered by the county assessor or mailed by him on or before January 1 of the fiscal year in which assessment is made to each taxpayer in the county; or

(b) To cause such list and valuations to be published once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county.

[3.] *4.* A board of county commissioners may, in the resolution required by subsection [2,] *3,* authorize the county assessor not to deliver or mail the list, as provided in paragraph (a) of subsection [2,] *3,* to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

[4.] *5.* The several boards of county commissioners in the state may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

[5.] *6.* Whenever property is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before January 1 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating its assessed valuation as determined from the appraisal or reappraisal.

*7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include the dates for appealing the new assessed valuation.*

*8.* Failure by the taxpayer to receive [such] *a* notice *required by this section* does not invalidate the appraisal or reappraisal.

Sec. 3. NRS 361.310 is hereby amended to read as follows:

361.310 1. On or before January 1 of each year, the county assessor of each of the several counties shall complete his [tax list or] assessment roll, and shall take and subscribe to an affidavit written therein to the effect that he has made diligent inquiry and examination to ascertain all the property within the county subject to taxation, and required to be assessed by him, and that he has assessed the property on the assessment roll equally and uniformly, according to the best of his judgment, information and belief, at the rate provided by law. A copy of the affidavit must be filed immediately by the assessor with the department. The failure to take or subscribe to the affidavit does not in any manner affect the validity of any assessment contained in the assessment roll.

2. The county assessor [may] *shall* close his roll as to *all* changes [in ownership of property on December 1 of each year or on any other date which may be approved by the board of county commissioners. After January 1, the roll may be reopened for changes in ownership until June 15 or any other date approved by the board of county commissioners.

3. The county assessor may close his roll as to changes in the parceling of property on December 1 of each year or on any other date which may be

approved by the board of county commissioners.] *on the day he delivers it for publication. The roll may be reopened beginning the next day for changes that occur before July 1 in:*

*(a) Ownership;*

*(b) Improvements as a result of new construction, destruction or removal;*

*(c) Land parceling;*

*(d) Site improvements;*

*(e) Zoning or other legal or physical restrictions on use;*

*(f) Actual use;*

*(g) Exemptions; or*

*(h) Items of personal property on the secured roll,*

*or to correct overassessments because of a factual error in size or age.*

*3. Any changes made after the roll is reopened pursuant to subsection 2 may be appealed to the county board of equalization in the current year or the next succeeding year.*

*4. Each county assessor shall keep a log of all changes in value made to the secured roll after it has been reopened. On or before October 31 of each year, the county assessor shall transmit a copy of the log to the board of county commissioners and the Nevada tax commission.*

Sec. 4. NRS 361.335 is hereby amended to read as follows:

361.335 [1. As soon as completed, the assessment roll shall be delivered by the county assessor to the clerk of the board of county commissioners.

2. The] *After the assessment roll has been completed pursuant to NRS 361.300, the* clerk of the board of county commissioners shall thereupon immediately give notice thereof and of the time the county board of equalization will meet to equalize assessments. The notice [shall] *must* be given by publication in a newspaper of the county, if there is one so published in the county, and by posting at the front door of the courthouse, and in such additional manner as the board of county commissioners may direct.

[3. The assessment roll shall be open to inspection at all times, while in the possession of the clerk of the board of county commissioners, by any person of the county.

4. If the county assessor fails to deliver the assessment roll in the manner and at the time specified herein, no salary or other compensation shall be allowed him by the board of county commissioners for any day during which such roll is not so delivered unless excused by the board of county commissioners.]

Sec. 5. NRS 361.390 is hereby amended to read as follows:

361.390 Each county assessor shall:

1. File with or cause to be filed with the secretary of the state board of equalization, on or before the 1st Monday in March of each year, the tax roll, or a true copy thereof, of his county for the current year as corrected by the county board of equalization.

2. Prepare and file with the [secretary of the state board of equalization, on or before the 1st Monday in March of each year, a report showing the segregation of property and the assessment thereof shown on the tax roll for

the current year.] *department on or before January 31, and again on or before the first Monday in March, of each year a segregation report showing the assessed values for each taxing entity within the county on a form prescribed by the department. The assessor shall make any projections required for the current fiscal year. The department shall make any projections required for the upcoming fiscal year.*

*3. Prepare and file with the department on or before July 31 for the secured roll and on or before April 30 for the unsecured roll, a statistical report showing values for all categories of property on a form prescribed by the department.*

Sec. 6. NRS 361.483 is hereby amended to read as follows:

361.483 1. Except as *otherwise* provided in subsection 4, taxes assessed upon the real property tax roll and upon mobile homes are due on the [first] *third* Monday of August.

2. Taxes assessed upon the real property tax roll may be paid in four equal installments.

3. Taxes assessed upon a mobile home may be paid in four equal installments if the taxes assessed exceed $100.

4. If a person elects to pay in quarterly installments, the first installment is due on the [first] *third* Monday of August, the second installment on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

5. If any person charged with taxes which are a lien on real property fails to pay:

(a) Any one quarter of the taxes on or within 10 days following the day the taxes become due, there must be added thereto a penalty of 4 percent.

(b) Any two quarters of the taxes, together with accumulated penalties, on or within 10 days following the day the later quarter of taxes becomes due, there must be added thereto a penalty of 5 percent of the two quarters due.

(c) Any three quarters of the taxes, together with accumulated penalties, on or within 10 days following the day the latest quarter of taxes becomes due, there must be added thereto a penalty of 6 percent of the three quarters due.

(d) The full amount of the taxes, together with accumulated penalties, on or within 10 days following the first Monday of March, there must be added thereto a penalty of 7 percent of the full amount of the taxes.

6. Any person charged with taxes which are a lien on a mobile home who fails to pay the taxes within 10 days after the quarterly payment is due is subject to the following provisions:

(a) The entire amount of the taxes are due;

(b) A penalty of 10 percent of the taxes due;

(c) An additional penalty of $3 per month or any portion thereof, until the taxes are paid; and

(d) The county assessor may proceed under NRS 361.535.

Sec. 6.5. NRS 377.055 is hereby amended to read as follows:

377.055 1. The department, shall monthly determine for each county an amount of money equal to the sum of:

(a) Any fees and any taxes, interest and penalties which derive from the basic city-county relief tax collected in that county pursuant to this chapter during the preceding month, less the amount transferred to the state general fund pursuant to subsection 3 of NRS 377.050 *;* [and the sum of any amounts distributed pursuant to NRS 377.053;] and

(b) That proportion of the total amount of taxes which derive from that portion of the tax levied at the rate of one-half of 1 percent collected pursuant to this chapter during the preceding month from out-of-state businesses not maintaining a fixed place of business within this state which the population of that county bears to the total population of all counties which have in effect a city-county relief tax ordinance.

2. The department shall apportion and the state controller shall remit the amount determined for each county in the following manner:

(a) If there is one incorporated city in the county, apportion the money between the city and the county general fund in proportion to the respective populations of the city and the unincorporated area of the county.

(b) If there are two or more cities in the county, apportion all such money among the cities in proportion to their respective populations.

(c) If there are no incorporated cities in the county, remit the entire amount to the county treasurer for deposit in the county general fund.

3. The provisions of subsection 2 do not apply to Carson City, where the treasurer shall deposit the entire amount determined for the city and received from the state controller in the general fund.

4. For the purpose of the distribution required by this section, the occasional sale of a vehicle shall be deemed to take place in the county to which the privilege tax payable by the buyer upon that vehicle is distributed.

Sec. 7. NRS 377.057 is hereby amended to read as follows:

377.057 1. The state controller, acting upon the relevant information furnished by the department, shall monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month [, after making any distributions required by NRS 377.053:

(a) Distribute the amount specified in this paragraph among the following local governments in the following percentages:

| Political Subdivision | Percentage |
|---|---|
| Churchill County | 3.23 |
| City of North Las Vegas | 46.52 |
| City of Carlin | 2.72 |
| Esmeralda County | .20 |
| Eureka County | .71 |
| City of Winnemucca | 5.56 |
| City of Caliente | .46 |
| City of Yerington | 4.77 |
| Mineral County | 9.96 |
| City of Gabbs | 4.31 |
| Pershing County | 2.52 |

City of Lovelock..... 5.77
White Pine County..... 5.37
City of Ely..... 7.90

For the fiscal year beginning July 1, 1981, the monthly amount is $71,110. For each succeeding fiscal year, this amount must be reduced by $7,111 from the preceding year.

(b) For the fiscal years beginning on and after July 1, 1990, deposit in the emergency fund of the supplemental city-county relief tax the monthly amount required to replenish that fund as determined by the executive director. On or before July 10 of each year the executive director shall determine the balance that existed in the emergency fund of the supplemental city-county relief tax as of June 30 of the preceding fiscal year and subtract that amount from $2,500,000 to determine the annual amount necessary to replenish the emergency fund. Upon determining the amount necessary to replenish the fund, the executive director shall divide that amount by 12 to determine the monthly amount required to replenish the fund and report that amount to the state controller.

(c) Distribute to each local government that is eligible to receive a portion of the tax, the amount calculated for it by the department of taxation pursuant to subsection 2.

2. The amount remaining each month after any distributions required pursuant to NRS 377.053 and paragraphs (a) and (b) of subsection 1 must be distributed to the counties in the same proportion that the sum of the supplemental city-county relief tax distribution factors of the county and all local governments in the county that are eligible to receive the tax bears to the sum of the supplemental city-county relief tax distribution factors of all local governments in the state that are eligible to receive the tax, except that, only the portion of the supplemental city-county relief tax distribution factor of a city incorporated after July 1, 1988, which is attributable to any town that the city replaced may be included in the total of the supplemental city-county relief tax distribution factors of the local governments in the county and the state.] *, except as otherwise provided in subsection 2:*

*(a) For Douglas, Esmeralda, Eureka, Lincoln, Lyon, Mineral, Nye, Pershing, Storey and White Pine counties, distribute to each county an amount equal to one-twelfth of the amount distributed in the 1991-1992 fiscal year multiplied by one plus:*

*(1) The percentage change in the total receipts from the supplemental city-county relief tax for all counties from the fiscal year preceding the immediately preceding fiscal year to the immediately preceding fiscal year; or*

*(2) The percentage change in the population of the county added to the percentage change in the Consumer Price Index for the year ending on December 31 next preceding the year of distribution,*

*whichever is less, except that, if the calculations required by subparagraphs (1) and (2) both produce negative numbers, the amount distributed to the county must be one-twelfth of the amount distributed to the county in the 1991-1992 fiscal year.*

*(b) For all other counties, distribute the amount remaining after making the distributions required by paragraph (a) to each county in the proportion that the amount of supplemental city-county relief tax collected in the county for the month bears to the total amount of supplemental city-county relief tax collected for that month in the counties whose distribution will be determined pursuant to this paragraph.*

*2. If the amount of supplemental city-county relief tax collected in a county listed in paragraph (a) of subsection 1 for any fiscal year exceeds by more than 10 percent the amount distributed pursuant to paragraph (a) to that county for the same fiscal year, the state controller shall distribute that county's portion of the proceeds from the supplemental city-county relief tax pursuant to paragraph (b) in all subsequent fiscal years.*

*3.* The amount apportioned to each county must then be apportioned among the several local governments therein, including the county and excluding the school district, any district to provide a telephone number for emergencies, any district created under chapter 318 of NRS to furnish emergency medical services, any redevelopment agency, any tax increment area and any other local government excluded by specific statute, in the proportion which each local government's basic ad valorem revenue bears to the total basic ad valorem revenue of all these local governments.

[3.] *4.* As used in this section, the "basic ad valorem revenue":

(a) Of each local government, except as otherwise provided in subsection 5 of NRS 354.5987, is its assessed valuation, including assessed valuation attributable to a redevelopment agency or tax increment area but excluding the portion attributable to the net proceeds of minerals and assessed valuation of state property included in the calculation of the supplemental city-county relief tax factor, for the year of distribution, multiplied by the rate levied on its behalf for the fiscal year ending June 30, 1981, for purposes other than paying the interest on and principal of its general obligations. For the purposes of this paragraph:

(1) A county whose actual tax rate, for purposes other than debt service, for the fiscal year ending on June 30, 1981, was less than 50 cents per $100 of assessed valuation is entitled to the use of a rate not greater than 80 cents per $100 of assessed valuation.

(2) A fire district in such a county whose tax rate was more than 50 cents per $100 of assessed valuation is entitled to the use of a rate not greater than $1.10 per $100 of assessed valuation.

(b) Of the county for the distribution under subsection 1 is the sum of its individual basic ad valorem revenue and those of the other local governments within it, excluding the school district and any district created under chapter 318 of NRS to furnish emergency medical services.

[4.] *5.* For the purposes of this section, a fire protection district organized pursuant to chapter 473 of NRS is a local government.

[5.] *6.* For the purposes of determining basic ad valorem revenue, the assessed valuation of a fire protection district includes property which was transferred from private ownership to public ownership after July 1, 1986, pursuant to:

(a) The Santini-Burton Act, Public Law 96-586; or

(b) Chapter 585, Statutes of Nevada 1985, at page 1866, approved by the voters on November 4, 1986.

[6. For each fiscal year beginning on or after July 1, 1989, the supplemental city-county relief tax distribution factor of each local government that is eligible to receive a portion of the revenue from the supplemental city-county relief tax must be calculated as follows:

(a) The assessed valuation of the local government for the preceding fiscal year including the assessed valuation of property on the central assessment roll allocated to a local government and the assessed valuation attributable to a redevelopment area or tax increment area, but excluding any assessed valuation attributable to the net proceeds of minerals, must be added to an amount equal to the product of that assessed valuation multiplied by the proportionate increase in the Consumer Price Index for the preceding calendar year. To this sum must be added the assessed valuation of new real property, possessory interests and mobile homes added to the assessment rolls in the past year and allocable to the local government.

(b) The percentage increase that the total calculated pursuant to paragraph (a) represents over the assessed valuation including the assessed valuation of property on the central assessment roll allocable to the local government but excluding any assessed valuation attributable to the net proceeds of minerals, is the percentage by which the supplemental city-county relief tax distribution factor may increase over the amount for the previous year.

7. For the fiscal years beginning on and after July 1, 1990, if the assessed valuation of all real property, possessory interests and mobile homes owned by the state within the boundaries of a local government, except a fire protection district to which the provisions of subsection 8 apply, exceeds 5 percent of the total assessed valuation of the local government, an amount equal to any increase over the preceding fiscal year in the assessed valuation of all real property, possessory interests and mobile homes that are owned by the state, exempt from taxation and within the boundaries of the local government must be added to the sum determined pursuant to paragraph (a) of subsection 6 and used in the calculation required by that subsection in the same manner as the assessed value of new real property.

8. The county assessor shall continue to assess real property which is transferred from private ownership to public ownership for the purpose of conservation as if it remained taxable property and the assessed valuation of that property must continue to be included in calculating the supplemental city-county relief tax distribution factor of any fire protection district in which such property is located.

9. If a local government that is eligible to receive a portion of the revenue from the supplemental city-county relief tax levies a tax ad valorem for debt service for an obligation which has previously been repaid from another source, the supplemental city-county relief tax distribution factor of that local government calculated pursuant to this section must be reduced by the amount of that debt levy.

10. If a board of county commissioners which during the fiscal year ending on June 30, 1981, distributed all or part of the state gaming license fees received pursuant to paragraph (b) of subsection 2 of NRS 463.320 to other local governments thereafter reduces or discontinues that distribution, the supplemental city-county relief tax distribution factor for the county calculated pursuant to this section must be reduced by an equal amount.

11.] *7.* On or before February 15 of each year, the executive director shall provide to each local government a preliminary estimate of the revenue it will receive from the supplemental city-county relief tax in the next fiscal year.

[12.] *8.* On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from the supplemental city-county relief tax on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles; and

(b) Provide to each local government an estimate of the tax that local government would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

[13.] *9.* A local government may use the estimate provided by the executive director pursuant to subsection [12] *8* in the preparation of its budget.

Sec. 7.5. NRS 244A.755 is hereby amended to read as follows:

244A.755 1. If a project is for the generation and transmission of electricity, payments must be made as provided in this section:

(a) In lieu of ad valorem taxes on property owned by the county, and distributed in the same manner as those taxes would be distributed pursuant to NRS 361.320; and

(b) In lieu of the sales and use tax, local school support tax and city-county relief tax on tangible personal property purchased or used, and distributed [either pursuant to NRS 377.053 or] in the same manner as the tax would be distributed pursuant to NRS 372.780 , [or] 374.785, *377.055 or 377.057,* whichever applies.

2. The payments in lieu of taxes specified in paragraph (b) of subsection 1 must be paid on any incident of sale, use, storage or other consumption of property which, pursuant to the Sales and Use Tax Act, Local School Support Tax Law or an ordinance or ordinances adopted pursuant to the City-County Relief Tax Law, would be taxable if the exemptions for counties contained, respectively, in NRS 372.325 and 374.330 were not applicable. No such payment applies to any incident previously subjected to a sales or use tax. Except as otherwise provided in this section and except to the extent that they would be inconsistent with the provisions of this section, the provisions of the Sales and Use Tax Act, Local School Support Tax Law, the City-County Relief Tax Law, any ordinance or ordinances adopted pursuant thereto, and other laws of the state dealing with taxes on the sale or use of tangible personal property govern the collection, payment, method of protest, exemptions and other matters relating to the payments required in lieu of these taxes.

3. The payments in lieu of ad valorem taxes must equal the ad valorem taxes that would have been payable were the project subject to ad valorem taxation and to assessment pursuant to NRS 361.320. This section does not preclude the legislature from changing the method of assessment or allocation of payments in lieu of ad valorem taxes. The due date of payments in lieu of ad valorem taxes to a particular taxing entity and the tax rate with respect to the portion of the valuation of a project allocated to that entity must be determined in the same manner as for property which is subject to ad valorem taxation by that taxing entity.

4. The county shall, in the agreement with each purchaser of capacity require that the purchaser, or all of them collectively, make timely payments, whether or not the capacity is taken or available, sufficient in time and amount, to the extent that such payments are not otherwise provided for from bond proceeds or other funds specifically made available therefor, to provide for the payments in lieu of taxes required by this section. The agreements must provide the method of determining the amount of such payments to be made by each such purchaser.

5. The payments in lieu of taxes required by this section during the construction of the project are the responsibility of the participant who, pursuant to subsection 2 of NRS 244A.741, is constructing the project and the payments in lieu of taxes during the period of operation of the project are the responsibility of the participant who, pursuant to that subsection, is operating the project. The responsibility of making such payments is limited to the extent that there is legally available to the responsible participant, from the payments, proceeds or other funds mentioned in subsection 4, money to make such payments and the obligation of such participant or participants to make such payments in lieu of taxes is not a general obligation or liability of the responsible participant. That participant shall take appropriate action to enforce the obligation, provided for in subsection 4, of the participants in the project. A payment in lieu of taxes must not be made to the extent that the making of the payment would cause a deficiency in the money available to the county to make required payments of principal of, premium, if any, or interest on any bonds issued by the county to finance the project or to make required payments to any funds established under the proceedings under which such bonds were issued and secured. No lien attaches upon any property or money of the county or any property or money of the participant or participants mentioned in the first sentence of this subsection by virtue of any failure to pay all or any part of any in lieu of taxes. The participant or participants constructing or operating the project or any other participant in the project may contest the validity of any payment in lieu of a tax to the same extent as if such payment were a payment of the tax itself. The payments in lieu of taxes must be reduced if and to the extent that such contest is successful.

6. So long as a purchaser of capacity of the project is required to make payments pursuant to subsection 4, that purchaser is not required to make any payment of tax pursuant to NRS 361.157 or 361.159 in respect of its interest or rights in that project.

7. The obligations to make payments in lieu of taxes required by this section do not constitute a debt or indebtedness of the county and do not constitute or give rise to a pecuniary liability of the county or a charge against its general credit or taxing powers.

Sec. 8. Chapter 354 of NRS is hereby amended by adding a new section to read as follows:

*"Basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.*

Sec. 9. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, *and section 8 of this act,* unless the context otherwise requires, the words and terms defined in NRS 354.478 to 354.580, inclusive, *and section 8 of this act,* have the meanings ascribed to them in those sections.

Sec. 10. NRS 354.59813 is hereby amended to read as follows:

354.59813 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, when the estimate of the revenue available from the supplemental city-county relief tax as determined by the executive director of the department of taxation pursuant to the provisions of NRS 377.057 is less than [52 percent of the sum of the supplemental city-county relief tax distribution factors of all local governments that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax,] *the amount of money that would be generated by applying a tax rate of $1.15 per $100 of assessed valuation to the assessed valuation of the state,* the governing body of each local government may levy an additional tax ad valorem for operating purposes. The total tax levied pursuant to this section must not exceed a rate calculated to produce revenue equal to the difference between the amount of revenue from supplemental city-county relief tax estimated to be received by that local government and the tax that it would have been estimated to receive if the estimate for the total revenue available from the tax was equal to [52 percent of the sum of the supplemental city-county relief tax distribution factors of all local governments that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax.] *the amount of money that would be generated by applying a tax rate of $1.15 per $100 of assessed valuation to the assessed valuation of the state.*

2. Any additional taxes ad valorem levied as a result of the application of this section must not be included in the base from which the allowed revenue from taxes ad valorem for the next subsequent year is computed.

Sec. 11. NRS 354.59815 is hereby amended to read as follows:

354.59815 1. In addition to the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 5 cents per $100 of the assessed valuation of the county.

2. The board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of any tax levied pursuant to the provisions of subsection 1 among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribu-

tion factor of each of those local governments *for the 1990-1991 fiscal year* bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county [that are eligible to receive a portion of the proceeds of this tax.] *for the 1990-1991 fiscal year.*

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of subsection 1 without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

Sec. 12. NRS 354.5982 is hereby amended to read as follows:

354.5982 1. The local government may exceed the limit imposed by NRS 354.59811 upon the calculated receipts from taxes ad valorem only if its governing body proposes to its registered voters an additional levy ad valorem, specifying the amount of money to be derived, the purpose for which it is to be expended, and the duration of the levy, and the proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose. The governing body may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition.

2. To the allowed revenue from taxes ad valorem determined pursuant to NRS 354.59811 for a local government, the executive director of the department of taxation shall add any amount approved by the legislature for the cost to that local government of any substantial program or expense required by legislative enactment.

3. Except as otherwise provided in this subsection, if one or more local governments take over the functions previously performed by a local government which no longer exists, the Nevada tax commission shall add to the allowed revenue from taxes ad valorem [, the supplemental city-county relief tax distribution factor] and the basic ad valorem revenue, respectively, otherwise allowable to the local government or local governments pursuant to NRS 354.59811 and 377.057, an amount equal to the allowed revenue from taxes ad valorem [, the supplemental city-county relief tax distribution factor] and the basic ad valorem revenue, respectively, for the last fiscal year of existence of the local government whose functions were assumed. If more than one local government assumes the functions, the additional revenue must be divided among the local governments on the basis of the proportionate costs of the functions assumed. The Nevada tax commission shall not allow any increase in the allowed revenue from taxes ad valorem [, supplemental city-county relief tax distribution factor] or basic ad valorem revenue if the increase would result in a decrease in revenue of any local government in the county which does not assume those functions.

Sec. 13. NRS 354.5987 is hereby amended to read as follows:

354.5987 1. For the purposes of NRS 354.59811 and 377.057, the allowed revenue from taxes ad valorem and the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue* of any local government:

(a) Which comes into being on or after July 1, 1989, whether newly created, consolidated, or both; or

(b) Which was in existence before July 1, 1989, but did not receive revenue from taxes ad valorem, except any levied for debt service, for the fiscal year ending June 30, 1989,

must be initially established by the Nevada tax commission.

2. Except as otherwise provided in subsections 3 and 6, if the local government for which the allowed revenue from taxes ad valorem and the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue* are to be established performs a function previously performed by another local government, the total revenue allowed to all local governments for performance of substantially the same function in substantially the same geographical area must not be increased. To achieve this result, the Nevada tax commission shall request the local governmental advisory committee to prepare a statement of the prior cost of performing the function for each predecessor local government. Within 60 days after receipt of such a request, the local governmental advisory committee shall prepare a statement pursuant to the request and transmit it to the Nevada tax commission. The Nevada tax commission may accept, reject or amend the statement of the local governmental advisory committee. The decision of the Nevada tax commission is final. Upon making a final determination of the prior cost of performing the function for each predecessor local government, the Nevada tax commission shall:

(a) Determine the percentage that the prior cost of performing the function for each predecessor local government is of the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue and of the allowed revenue from taxes ad valorem* of that local government; *and*

(b) Apply the [percentage] *percentages* determined pursuant to paragraph (a) to the basic ad valorem revenue and to the allowed revenue from taxes ad valorem , *respectively,* and subtract those amounts respectively from the basic ad valorem revenue and from the allowed revenue from taxes ad valorem of the predecessor local government . [; and

(c) Then subtract from the supplemental city-county relief tax distribution factor of each predecessor local government, the prior cost of performing the function.]

The basic ad valorem revenue [,] *and* allowed revenue from taxes ad valorem , [and supplemental city-county relief tax distribution factor,] respectively, attributable to the new local government for the cost of performing the function must equal the total of the amounts subtracted for the prior cost of performing the function from the basic ad valorem revenue [,] *and* allowed revenue from taxes ad valorem , [and supplemental city-county relief tax distribution factor,] respectively, of all of the predecessor local governments.

3. If the local government for which the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue* is to be established pursuant to subsection 1 is a city, the Nevada tax commission shall:

(a) Using the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue* of the town replaced by the city, if any, as a basis, set the [supplemental city-county relief tax distribution factor] *basic ad valorem revenue* of the city at an amount sufficient to allow the city, with other available revenue, to provide the basic services for which it was created;

(b) [Set the basic ad valorem revenue of the city at an amount which bears the same ratio to the supplemental city-county relief tax distribution factor of the city as the sum of the basic ad valorem revenue of the county, and any town which the city is replacing, bears to the sum of the maximum supplemental city-county relief tax distribution factors of the county and the city;

(c)] Reduce the basic ad valorem revenue of the county by the amount set for the city pursuant to paragraph [(b);

(d)] *(a);*

*(c)* Add to the basic ad valorem revenue of the county the basic ad valorem revenue of any town which the city has replaced; and

[(e)] *(d)* Add to the allowed revenue from taxes ad valorem of the county the allowed revenue from taxes ad valorem for any town which the city replaced . [, except that the addition to the county must be limited so that the county does not receive from the supplemental city-county relief tax and taxes ad valorem an amount greater than its supplemental city-county relief tax distribution factor.]

4. In any other case, except as otherwise provided in subsection 6, the allowed revenue from taxes ad valorem [and the supplemental city-county relief tax distribution factor] of all local governments in the county, determined pursuant to NRS 354.59811 , [and 377.057,] must not be increased, but the total basic ad valorem revenue and allowed revenue from taxes ad valorem must be reallocated among the local governments consistent with subsection 2 to accommodate the amount established for the new local government pursuant to subsection 1.

5. Any amount of basic ad valorem revenue allowable which is established or changed pursuant to this section must be used to determine a new tax rate for the fiscal year ending June 30, 1981, for each affected local government. This new tax rate must be used to make the distributions among the local governments in the county required by NRS 377.057 for each year following the year in which the amount was established or changed.

6. In establishing the allowed revenue from taxes ad valorem [and the supplemental city-county relief tax distribution factor] of a county, city or town pursuant to this section, the Nevada tax commission shall allow a tax rate for operating expenses of at least 15 cents per $100 of assessed valuation in addition to the tax rate allowed for any identified and restricted purposes and for debt service.

7. As used in this section:

(a) "Predecessor local government" means a local government which previously performed all or part of a function to be performed by the local government for which the allowed revenue from taxes ad valorem and the [supplemental city-county relief tax distribution factors] *basic ad valorem revenue* are being established pursuant to subsection 1.

(b) "Prior cost of performing the function" means the amount expended by a local government to perform a function which is now to be performed by another local government. The amount must be determined on the basis of the most recent fiscal year for which reliable information is available.

Sec. 14. NRS 354.59871 is hereby amended to read as follows:

354.59871 1. The Nevada tax commission shall, upon request by the board of county commissioners, establish a rate for the levy of taxes ad valorem to provide aid and relief for indigent persons in a county in which there was no levy adopted for that purpose in the fiscal year ending June 30, 1971. The revenue collected from the taxes so levied must not exceed $54,000.

2. The revenue received from the rate established by the Nevada tax commission pursuant to subsection 1 must be added to the [:

(a) Allowed] *allowed* revenue from taxes ad valorem determined pursuant to NRS 354.59811 . [; and

(b) Supplemental city-county relief tax distribution factor,

for that county.]

Sec. 15. NRS 354.59872 is hereby amended to read as follows:

354.59872 1. A local government may apply to the local governmental advisory committee for a determination of the amount of revenue from population-based taxes the local government lost as a result of the incorporation of a new city on or after July 1, 1989.

2. Within 60 days after the receipt of a request made pursuant to subsection 1, the local governmental advisory committee shall make a determination of the amount of revenue from population-based taxes the local government lost as a result of the incorporation of a new city on or after July 1, 1989, and transmit it to the department of taxation and the local government which made the request.

3. Upon receipt of the determination of the local governmental advisory committee, the local government may petition the Nevada tax commission for approval of the determination. As soon as practicable after receipt of such a request, the Nevada tax commission shall review the determination and may accept, reject or amend the determination. The decision of the Nevada tax commission is final.

4. Upon receipt of a final determination from the Nevada tax commission pursuant to this section, the executive director of the department of taxation shall add the amount approved by the Nevada tax commission to the allowed revenue from taxes ad valorem *and the basic ad valorem revenue* of the local government.

Sec. 16. NRS 354.59874 is hereby amended to read as follows:

354.59874 [1.] Except as otherwise provided in subsection 3 of NRS 354.5982 and subsection 2 of NRS 354.5987, if one local government takes

over a function or provides a service previously performed by another local government pursuant to an agreement between the local governments, upon petition by the participating local governments, the executive director of the department of taxation shall:

[(a)] *1.* Reduce the allowed revenue from taxes ad valorem calculated pursuant to NRS 354.59811 of the local government which previously performed the function or provided the service, for the first year the service is provided or the function is performed by an amount equal to the cost of performing the function or providing the service; and

[(b)] *2.* Increase the allowed revenue from taxes ad valorem calculated pursuant to NRS 354.59811 of the local government which assumed the performance of the function or the provision of the service, for the first year the service is provided or the function is performed by an amount equal to the amount by which the reduction was made pursuant to [paragraph (a).

2. The changes required by subsection 1 do not apply to the calculations required by NRS 377.057. In addition to the changes required by subsection 1, the executive director of the department of taxation shall make any other adjustments necessary to ensure that there is no fiscal impact upon either local government in the calculations required by NRS 377.057 as a result of the changes required by] subsection 1.

Sec. 17. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise; or

(c) For business licenses which are calculated as a fraction or percentage of the gross revenue of the business.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except those excluded by subsection 1, for the fiscal year ended on June 30, [1989,] *1991,* is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the [supplemental city-county relief tax distribution factor of the local government for the current year over that factor for the preceding year.] *population of the local government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated.* The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the

business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year.

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable under this section to the Nevada tax commission, which may grant the application only if it finds that:

(a) [Under the circumstances a special distribution could be made from the emergency fund of the supplemental city-county relief tax and only to the extent that these circumstances are not relieved by such a distribution;] *Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created;* or

(b) The rate of a business license of the local government is substantially below that of other local governments in the state.

5. The provisions of this section apply to any business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 18. NRS 354.59891 is hereby amended to read as follows:

354.59891 1. As used in this section:

(a) "Building permit basis" means the combination of the rate and the valuation method used to calculate the total building permit fee.

(b) "Building permit" means the official document or certificate issued by the building officer of a local government which authorizes the construction of a structure.

(c) "Building permit fee" means the total fees that must be paid before the issuance of a building permit, including without limitation, all permit fees and inspection fees. The term does not include, without limitation, fees relating to water, sewer or other utilities, residential construction tax, tax for the improvement of transportation imposed pursuant to section 14 of chapter 19, Statutes of Nevada 1991, any fee imposed pursuant to section 1 of [this act] *chapter 152, Statutes of Nevada 1991,* or any amount expended to change the zoning of the property.

2. Except as otherwise provided in subsections 3 and 4, a local government shall not increase its building permit basis by more than an amount equal to the building permit basis on June 30, 1989, multiplied by a percentage equal to the percentage increase in the consumer price index from January 1, 1988, to the January 1 next preceding the fiscal year for which the calculation is made.

3. A local government may submit an application to increase its building permit basis by an amount greater than otherwise allowable pursuant to subsection 2 to the Nevada tax commission. The Nevada tax commission may allow the increase only if it finds that:

(a) [Under the circumstances a special distribution could be made from the emergency fund of the supplemental city-county relief tax and only to the

extent that the circumstances are not relieved by such a distribution;] *Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created;* or

(b) The building permit basis of the local government is substantially below that of other local governments in the state and the cost of providing the services associated with the issuance of building permits in the previous fiscal year exceeded the total revenue received from building permit fees, excluding any amount of residential construction tax collected, for that fiscal year.

4. Upon application by a local government, the Nevada tax commission shall exempt the local government from the limitation on the increase of its building permit basis if:

(a) The local government creates an enterprise fund exclusively for fees for building permits;

(b) Any interest or other income earned on the money in the enterprise fund is credited to the fund; and

(c) The local government does not use any of the money in the enterprise fund for any purpose other than the actual direct and indirect costs of the program for the issuance of building permits, including without limitation, the cost of checking plans, issuing permits, inspecting buildings and administering the program. The executive director of the department of taxation shall adopt regulations governing the permissible expenditures from an enterprise fund pursuant to this paragraph.

Sec. 19. Section 25 of chapter 861, Statutes of Nevada 1989, at page 2097, is hereby amended to read as follows:

Sec. 25. 1. The redistribution fund for the supplemental city-county relief tax is hereby created. The interest and income earned on the money in the fund after deducting any applicable charges must be distributed to the local governments in the same manner as the distributions made pursuant to subsection 2 of NRS 377.057, as amended by this act.

2. The following amounts are hereby allocated for the 1989-1990 fiscal year to the specified counties from the redistribution fund for the supplemental city-county relief tax:

| | |
|---|---|
| Clark County | $2,669,672 |
| Elko County | 359,124 |
| Churchill County | 84,988 |

On July 1, 1989, the state controller shall distribute the allocated money to each county and the local governments in each county in the same proportion that the supplemental city-county relief tax will be distributed pursuant to subsection 2 of NRS 377.057, as amended by this act, to those local governments during the 1989-1990 fiscal year, except that, of the amount allocated to Clark County, the state controller shall distribute $1,240,221 to the town of Laughlin and the remainder of the allocation to the remaining local governments.

3. For the fiscal year 1990-1991 the executive director of the department of taxation shall adjust the supplemental city-county relief tax distribution factors of each local government in the following counties, including the

county, by multiplying the supplemental city-county relief tax distribution factor calculated pursuant to subsection 6 of NRS 377.057, as amended by this act, by the factor specified for the appropriate county:

| | |
|---|---|
| Churchill | 1.01735781 |
| Clark | 1.00503190 |
| Douglas | .99748885 |
| Elko | 1.03606720 |
| Washoe | .98867616 |

4. The following amounts are hereby allocated for the 1990-1991 fiscal year to the specified counties from the redistribution fund for the supplemental city-county relief tax:

| | |
|---|---|
| Clark County | $1,922,163 |
| Elko County | 258,569 |
| Churchill County | 61,191 |

On July 1, 1990, the state controller shall distribute the allocated money to each county and the local governments in each county in the same proportion that the supplemental city-county relief tax will be distributed pursuant to subsection 2 of NRS 377.057, as amended by this act, to those local governments during the 1990-1991 fiscal year, except that, of the amount allocated to Clark County, the state controller shall distribute $892,959 to the town of Laughlin and the remainder of the allocation to the remaining local governments.

5. [For the fiscal year 1991-1992 the executive director of the department of taxation shall adjust the supplemental city-county relief tax distribution factors of each local government in the following counties, including the county, by multiplying the supplemental city-county relief tax distribution factor calculated pursuant to subsection 6 of NRS 377.057, as amended by this act, by the factor specified for the appropriate county:

| | |
|---|---|
| Churchill | 1.01735781 |
| Clark | 1.00503190 |
| Douglas | .99748885 |
| Elko | 1.03606720 |
| Washoe | .98867616 |

6.] The following amounts are hereby allocated for the 1991-1992 fiscal year to the specified counties from the redistribution fund for the supplemental city-county relief tax:

| | |
|---|---|
| Clark County | $1,037,968 |
| Elko County | 139,627 |
| Churchill County | 33,043 |

On July 1, 1991, the state controller shall distribute the allocated money to each county and the local governments in each county in the same proportion that the supplemental city-county relief tax will be distributed pursuant to subsection 2 of NRS 377.057, as amended by this act, to those local governments during the 1991-1992 fiscal year, except that, of the amount allocated to Clark County, the state controller shall distribute $482,197 to the town of Laughlin and the remainder of the allocation to the remaining local governments.

[7. For the fiscal year 1992-1993 the executive director shall adjust the supplemental city-county relief tax distribution factors of each local government in the following counties, including the county, by multiplying the supplemental city-county relief tax distribution factor calculated pursuant to subsection 6 of NRS 377.057, as amended by this act, by the factor specified for the appropriate county:

| | |
|---|---|
| Churchill | 1.01735781 |
| Clark | 1.00503190 |
| Douglas | .99748885 |
| Elko | 1.03606720 |
| Washoe | .98867616 |

8. Except as otherwise provided in section 26 of this act, in calculating the supplemental city-county relief tax distribution factors of the counties and the local governments within the counties pursuant to subsections 5 and 7, the executive director shall use the distribution factor as calculated pursuant to subsection 6 of NRS 377.057 as adjusted pursuant to subsections 3 and 5, respectively, as the distribution factor for the previous year.]

Sec. 20. Section 26 of chapter 861, Statutes of Nevada 1989, at page 2099, is hereby amended to read as follows:

Sec. 26. 1. Notwithstanding the provisions of NRS 377.057, as amended by this act, for the town of Laughlin [:

(a) For] *for* the fiscal year 1990-1991, the supplemental city-county relief tax distribution factor must be calculated pursuant to the provisions of subsection 6 of NRS 377.057, as amended by this act, using $3,300,000 as the distribution factor for the previous year and then subtracting $2,033,943.

[(b) For the fiscal year 1991-1992, the supplemental city-county relief tax distribution factor must be calculated pursuant to the provisions of subsection 6 of NRS 377.057, as amended by this act, using the amount calculated pursuant to paragraph (a) before $2,033,943 was subtracted as the distribution factor for the previous year and then subtracting $1,016,971.

(c) For the fiscal year 1992-1993, the supplemental city-county relief tax distribution factor must be calculated pursuant to the provisions of subsection 6 of NRS 377.057, as amended by this act, using the amount calculated pursuant to paragraph (b) before $1,016,971 was subtracted as the distribution factor for the previous year.]

2. For the purposes of [paragraph (a) of subsection 3 of] NRS 377.057, as amended by this act, the "basic ad valorem revenue" of the town of Laughlin must be calculated using:

(a) For the 1990-1991 fiscal year, a rate of .4846;

(b) For the 1991-1992 fiscal year, a rate of .7784; and

(c) For the 1992-1993 fiscal year, a rate of 1.0723.

Sec. 21. Section 28 of chapter 861, Statutes of Nevada 1989, at page 2099, is hereby amended to read as follows:

Sec. 28. As soon as practicable after July 1, 1989, for the 1989-1990 fiscal year and on or before March 15 immediately preceding the 1990-1991 [, 1991-1992 and 1992-1993 fiscal years,] *fiscal year,* the executive director of the department of taxation shall:

1. Determine the effect of the provisions of this act upon the estimate of the amount of supplemental city-county relief tax to be received by each local government for the fiscal year for which the determination is being made and notify each local government of any revision of that estimate.

2. Increase the allowed revenue from taxes ad valorem of each local government whose revenue from the supplemental city-county relief tax he estimates will be reduced as a direct result of the amendatory provisions of this act by the amount he estimates will be lost as a direct result of the amendatory provisions of this act. Any increase made pursuant to this subsection may only be made for the fiscal year for which the calculation was made and must be included in the basis for the calculation of the allowed revenue from taxes ad valorem in all future years.

Sec. 22. For the fiscal year 1991-1992, the state controller shall monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month make the following distributions in lieu of the distributions required by the provisions of paragraph (a) of subsection 1 of NRS 377.057 as amended by this act:

| | |
|---|---|
| Douglas | $591,952 |
| Esmeralda | 54,094 |
| Eureka | 154,852 |
| Lincoln | 74,349 |
| Lyon | 363,589 |
| Mineral | 120,530 |
| Nye | 302,204 |
| Pershing | 98,556 |
| Storey | 71,233 |
| White Pine | 161,860 |

Sec. 23. For the fiscal year 1991-1992, after determining the amount of the distributions required by NRS 377.057, as amended by this act, and section 22 of this act each month, the state controller shall:

1. Reduce the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $50,095 |
| Churchill | 24,838 |
| Clark | 187,949 |
| Elko | 182,049 |
| Humboldt | 48,031 |

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Douglas | $16,006 |
| Esmeralda | 1,561 |
| Eureka | 4,843 |

| | |
|---|---|
| Lander | 1,891 |
| Lincoln | 2,251 |
| Lyon | 10,101 |
| Mineral | 3,431 |
| Nye | 8,621 |
| Pershing | 2,783 |
| Storey | 1,973 |
| Washoe | 435,748 |
| White Pine | 3,753 |

Sec. 24. For the fiscal years 1992-1993 and 1993-1994, after determining the amount of the distributions required by NRS 377.057, as amended by this act, and section 22 of this act each month, the state controller shall:

1. Reduce the distribution for Washoe County by $280,560.

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $15,292 |
| Churchill | 4,702 |
| Clark | 185,472 |
| Douglas | 16,006 |
| Elko | 8,476 |
| Esmeralda | 1,561 |
| Eureka | 4,843 |
| Humboldt | 7,337 |
| Lander | 3,958 |
| Lincoln | 2,251 |
| Lyon | 10,101 |
| Mineral | 3,431 |
| Nye | 8,621 |
| Pershing | 2,783 |
| Storey | 1,973 |
| White Pine | 3,753 |

Sec. 25. For the fiscal year 1991-1992, the amount by which the total receipts of the supplemental city-county relief tax exceed $266,531,950 must be distributed among Carson City and Churchill, Clark, Elko, Humboldt and Lander Counties in the proportion which the amount of the tax collected since July 1, 1991, in that county bears to the total amount collected since July 1, 1991, in those counties.

Sec. 26. As soon as practicable after the effective date of this act, the state controller shall distribute the remaining balance of the emergency fund of the supplemental city-county relief tax to the local governments in the same proportion as the proceeds of the supplemental city-county relief tax were distributed for the 1990-1991 fiscal year.

Sec. 27. Sections 27 to 34, inclusive, of this act, constitute the Washoe County Special Tax Act.

Sec. 28. 1. The tax distribution fund for Washoe County is hereby created in the state treasury.

2. All interest and income earned on the money in the fund must be credited to the fund after deducting any applicable charges.

3. The state controller shall distribute the money in the fund monthly among the several local governments in Washoe County that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax, including the county, in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all these local governments.

4. As used in this section, "basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.

Sec. 29. 1. Except as otherwise provided in section 34 of this act and in addition to all other sales and use taxes, the board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 1/4 of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county.

2. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. The ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those of the Local School Support Tax Law, insofar as applicable.

(b) A provision that all amendments to the provisions of the Local School Support Tax Law subsequent to the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of the ordinance enacted pursuant to subsection 1.

(c) A provision that the county shall contract before the effective date of the ordinance enacted pursuant to subsection 1 with the department to perform all functions incident to the administration or operation of the tax imposed pursuant to subsection 1.

4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to Washoe County under this section must be paid to the department of taxation in the form of remittances made payable to the department of taxation.

5. The department of taxation shall deposit the payments with the state treasurer for credit to the tax distribution fund for Washoe County in the state treasury.

6. As used in this section, the "basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.

Sec. 30. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a special privilege tax of 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the motor vehicle privilege tax pursuant to this chapter; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles and public safety shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for Washoe County in the state treasury.

3. As used in this section:

(a) "Based" has the meaning ascribed to it in NRS 482.011.

(b) "Basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.

Sec. 31. 1. Except as otherwise provided in section 34 of this act, notwithstanding the provisions of NRS 463.395 and in addition to all other taxes imposed on gaming, the board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax on the gross revenue from gaming up to:

Three-tenths of 1 percent of all the gross revenue of the licensee which does not exceed $150,000 per calendar quarter;

Four-tenths of 1 percent of all the gross receipts of the licensee which exceeds $150,000 per calendar quarter and does not exceed $400,000 per calendar quarter; and

Fifty-five one-hundredths of 1 percent of all gross receipts of the licensee which exceeds $400,000 per calendar month.

2. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. The proceeds of the tax imposed pursuant to this section must be deposited with the state treasurer for credit to the tax distribution fund for Washoe County in the state treasury.

Sec. 32. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on transfers of real property, the board of county commissioners of Washoe County may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 10 cents for each $500 of value or fraction thereof on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining on the interest of property at the time of sale, exceeds $100. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

2. The ordinance imposing the tax must include:

(a) Provisions substantially identical to those contained in chapter 375 of NRS, insofar as applicable; and

(b) A provision that all amendments to chapter 375 of NRS after the date of enactment of the ordinance, not inconsistent with the chapter, automatically become a part of the ordinance imposing the tax.

3. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

4. The proceeds of the tax must be deposited with the state treasurer for credit to the tax distribution fund for Washoe County in the state treasury.

Sec. 33. 1. Except as otherwise provided in section 34 of this act, the board of county commissioners of Washoe County may levy a tax ad valorem on the assessed valuation of all taxable property in the county.

2. The provisions of NRS 354.59811 do not apply to a tax levied pursuant to the provisions of this section and the tax must not be considered in determining the allowed revenue from taxes ad valorem for the county or any local government therein.

3. Notwithstanding the provisions of NRS 279.676, no portion of the taxes imposed pursuant to this section may be distributed to a redevelopment agency.

4. The county treasurer shall deposit the proceeds of the tax levied pursuant to the provisions of this section monthly with the state treasurer for credit to the tax distribution fund for Washoe County in the state treasury.

Sec. 34. 1. As soon as practicable after the effective date of this act, the executive director of the department of taxation shall make an estimate of:

(a) The total amount of revenue that will be lost to the local governments in Washoe County, including the county, as a result of the changes in the formula for the distribution of the proceeds of the supplemental city-county relief tax made by this act for the fiscal years 1991-1992, 1992-1993 and 1993-1994; and

(b) The amount of proceeds that would be derived from each of the taxes imposed pursuant to sections 29 to 32, inclusive, of this act, if those taxes were imposed at the maximum authorized rates.

2. On or before September 1, 1991, the board of county commissioners of Washoe County shall adopt a plan to replace revenue lost to the county and the local governments therein as a result of the changes in the formula for the distribution of the proceeds of the supplemental city-county relief tax made by this act. The plan may include any of the taxes authorized by sections 29 to 33, inclusive, of this act, or any combination thereof, but the total amount of revenue estimated to result from the imposition of all taxes imposed pursuant to 29 to 33, inclusive, of this act must not exceed the estimate made by the department of taxation pursuant to paragraph (a) of subsection 1 in any of the 3 fiscal years. The department of taxation shall provide to the board of county commissioners of Washoe County any additional estimates necessary to carry out the provisions of this act.

3. The board of county commissioners of Washoe County shall fully implement the plan developed pursuant to subsection 2 on or before October 1, 1991.

4. The board of county commissioners of Washoe County may revise the plan adopted pursuant to subsection 2 for the fiscal years 1992-1993 and 1993-1994 on or before the June 30 immediately preceding the fiscal year during which the plan is to be in effect.

5. On or before May 31, 1994, the department of taxation shall make an estimate for the 1994-1995 fiscal year of the amount of proceeds that will be derived from each of the taxes imposed pursuant to sections 29 to 32, inclusive, of this act.

6. On or before June 30, 1994, using the estimate prepared pursuant to subsection 5, the board of county commissioners of Washoe County shall reduce the rate of one or more of the taxes imposed pursuant to this act if necessary to maintain the estimated revenue from all taxes imposed pursuant to sections 29 to 33, inclusive, of this act at or below an amount equal to $3,366,720 less than the amount determined for the fiscal year 1993-1994 pursuant to paragraph (a) of subsection 1.

7. After June 30, 1994, the board of county commissioners of Washoe County shall not:

(a) Revise the plan or decrease any of the taxes imposed pursuant thereto unless all of the local governments that are entitled to receive a monthly distribution from the tax distribution fund for Washoe County agree to the change or decrease.

(b) Increase the rate of any tax imposed pursuant to section 29 to 33, inclusive, of this act.

Sec. 35. As soon as practicable after the effective date of this act, the executive director of the department of taxation shall:

1. Make an estimate of the receipts from the supplemental city-county relief tax on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles; and

2. Provide to each local government an estimate of the tax that local government would receive based upon the estimate made pursuant to subsection 1 and calculated pursuant to the provisions of NRS 377.057.

Sec. 36. 1. There is hereby appropriated from the state general fund to the department of taxation the sum of $18,000 for the costs of additional computer programming and for additional printing and postage expenses required by the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 37. 1. NRS 354.573, 354.5988, 361.370 and 377.053 are hereby repealed.

2. Section 31 of chapter 228, Statutes of Nevada 1991 and section 1 of Assembly Bill No. 337 of this session are hereby repealed.''.

Amend the bill as a whole by adding the text of repealed sections, following sec. 4, to read as follows:

354.573 ''Supplemental city-county relief tax distribution factor'' defined. ''Supplemental city-county relief tax distribution factor'' means the factor used in the distribution of a portion of the revenue from the supplemental city-county relief tax to a local government that is calculated pursuant to the provisions of NRS 377.057.

354.5988 Emergency fund of the supplemental city-county relief tax: Creation; conditions for special distribution by state controller; report by recipient of money to interim finance committee; distribution to newly created city.

1. The emergency fund of the supplemental city-county relief tax is hereby created in the state treasury. The interim finance committee may direct the state controller to make a special distribution from the fund if it determines that unforeseen or uncontrollable conditions, existing or imminent, substantially impair the financial capacity of a local government to provide the basic services for which it was created. No single special distribution may be made from the fund in an amount that exceeds $400,000.

2. The recipient of any special distribution from the fund made pursuant to subsection 1 shall report to the interim finance committee upon the expenditure of the money at such times and in such detail as is required by the interim finance committee. Any money distributed pursuant to subsection 1 that is not expended for the purpose for which it was distributed reverts to the fund at such time as is specified by the interim finance committee.

3. The interim finance committee may direct the state controller to make a special distribution from the fund to a newly created city after the incorporation has been approved by the voters and officers have been elected, and before the effective date of the incorporation, if it determines that the money is needed for expenses incurred by the city that must be paid before the effective date of the incorporation of the city, including salaries and expenses of the officers and other administrative costs. The money must be distributed in the form of a loan and must be repaid to the fund by the city from revenue received after the effective date of the incorporation upon terms set by the interim finance committee.

361.370 Clerk to enter changes made by county board of equalization; delivery of corrected roll to county auditor. During the session or within 5 days after the adjournment of the county board of equalization, its clerk shall enter upon the assessment roll all the changes and corrections made by the county board of equalization and immediately shall deliver the corrected roll, with his certificate attached, to the county auditor.

377.053 Distribution of collections and payments relating to construction of electrical facilities.

1. The department shall account separately for all taxes and any fees, interest and penalties collected under the City-County Relief Tax Law, and all payments made in lieu of taxes under that law, which relate to the construction of a project for the generation, transmission or distribution of electricity, or to any other electrical facilities.

2. Except as otherwise provided in this subsection, those collections and payments which relate to the construction of such a project must be paid over to the county in which the project is located and to each city in that county, in proportion to the respective populations of each city and the unincorporated area of the county. If it determines that more than one county

will undergo a substantial increase in the need for public services as the result of the construction, the department of taxation shall, subject to the approval of the Nevada tax commission, first apportion the collections and payments among those counties according to the respective increases in need for public services as so determined, and then distribute them within each county as provided in the preceding sentence.

3. The legislature finds and declares that the distribution of the city-county relief tax required by subsection 2 takes fairly into account the additional burden put upon public services during the construction of such a project.

Section 31 of chapter 228, Statutes of Nevada 1991:

Sec. 31. NRS 377.057 is hereby amended to read as follows:

377.057 1. The state controller, acting upon the relevant information furnished by the department, shall monthly from the fees, taxes, interest and penalties which derive from the supplemental city-county relief tax collected in all counties and from out-of-state businesses during the preceding month, after making any distributions required by NRS 377.053:

(a) [Distribute the amount specified in this paragraph among the following local governments in the following percentages:

| Political Subdivision | Percentage |
|---|---|
| Churchill County | 3.23 |
| City of North Las Vegas | 46.52 |
| City of Carlin | 2.72 |
| Esmeralda County | .20 |
| Eureka County | .71 |
| City of Winnemucca | 5.56 |
| City of Caliente | .46 |
| City of Yerington | 4.77 |
| Mineral County | 9.96 |
| City of Gabbs | 4.31 |
| Pershing County | 2.52 |
| City of Lovelock | 5.77 |
| White Pine County | 5.37 |
| City of Ely | 7.90 |

For the fiscal year beginning July 1, 1981, the monthly amount is $71,110. For each succeeding fiscal year, this amount must be reduced by $7,111 from the preceding year.

(b)] For the fiscal years beginning on and after July 1, 1990, deposit in the emergency fund of the supplemental city-county relief tax the monthly amount required to replenish that fund as determined by the executive director. On or before July 10 of each year the executive director shall determine the balance that existed in the emergency fund of the supplemental city-county relief tax as of June 30 of the preceding fiscal year and subtract that amount from $2,500,000 to determine the annual amount necessary to replenish the emergency fund. Upon determining the amount

necessary to replenish the fund, the executive director shall divide that amount by 12 to determine the monthly amount required to replenish the fund and report that amount to the state controller.

[(c)] *(b)* Distribute to each local government that is eligible to receive a portion of the tax, the amount calculated for it by the department of taxation pursuant to subsection 2.

2. The amount remaining each month after any distributions required pursuant to NRS 377.053 and [paragraphs (a) and (b)] *paragraph (a)* of subsection 1 must be distributed to the counties in the same proportion that the sum of the supplemental city-county relief tax distribution factors of the county and all local governments in the county that are eligible to receive the tax bears to the sum of the supplemental city-county relief tax distribution factors of all local governments in the state that are eligible to receive the tax, except that, only the portion of the supplemental city-county relief tax distribution factor of a city incorporated after July 1, 1988, which is attributable to any town that the city replaced may be included in the total of the supplemental city-county relief tax distribution factors of the local governments in the county and the state. The amount apportioned to each county must then be apportioned among the several local governments therein, including the county and excluding the school district, any district to provide a telephone number for emergencies, any district created under chapter 318 of NRS to furnish emergency medical services, any redevelopment agency, any tax increment area and any other local government excluded by specific statute, in the proportion which each local government's basic ad valorem revenue bears to the total basic ad valorem revenue of all these local governments.

3. As used in this section, the "basic ad valorem revenue":

(a) Of each local government, except as otherwise provided in subsection 5 of NRS 354.5987, is its assessed valuation, including assessed valuation attributable to a redevelopment agency or tax increment area but excluding the portion attributable to the net proceeds of minerals and assessed valuation of state property included in the calculation of the supplemental city-county relief tax factor, for the year of distribution, multiplied by the rate levied on its behalf for the fiscal year ending June 30, 1981, for purposes other than paying the interest on and principal of its general obligations. For the purposes of this paragraph:

(1) A county whose actual tax rate, for purposes other than debt service, for the fiscal year ending on June 30, 1981, was less than 50 cents per $100 of assessed valuation is entitled to the use of a rate not greater than 80 cents per $100 of assessed valuation.

(2) A fire district in such a county whose tax rate was more than 50 cents per $100 of assessed valuation is entitled to the use of a rate not greater than $1.10 per $100 of assessed valuation.

(b) Of the county for the distribution under subsection 1 is the sum of its individual basic ad valorem revenue and those of the other local governments within it, excluding the school district and any district created under chapter 318 of NRS to furnish emergency medical services.

(c) Of a local government listed in subsection 1 of NRS 354.59873 does not include any increase in the basic ad valorem revenue pursuant to that section.

4. For the purposes of this section, a fire protection district organized pursuant to chapter 473 of NRS is a local government.

5. For the purposes of determining basic ad valorem revenue, the assessed valuation of a fire protection district includes property which was transferred from private ownership to public ownership after July 1, 1986, pursuant to:

(a) The Santini-Burton Act, Public Law 96-586; or

(b) Chapter 585, Statutes of Nevada 1985, at page 1866, approved by the voters on November 4, 1986.

6. For each fiscal year beginning on or after July 1, 1989, the supplemental city-county relief tax distribution factor of each local government that is eligible to receive a portion of the revenue from the supplemental city-county relief tax must be calculated as follows:

(a) The assessed valuation of the local government for the preceding fiscal year including the assessed valuation of property on the central assessment roll allocated to a local government and the assessed valuation attributable to a redevelopment area or tax increment area, but excluding any assessed valuation attributable to the net proceeds of minerals, must be added to an amount equal to the product of that assessed valuation multiplied by the proportionate increase in the Consumer Price Index for the preceding calendar year. To this sum must be added the assessed valuation of new real property, possessory interests and mobile homes added to the assessment rolls in the past year and allocable to the local government.

(b) The percentage increase that the total calculated pursuant to paragraph (a) represents over the assessed valuation including the assessed valuation of property on the central assessment roll allocable to the local government but excluding any assessed valuation attributable to the net proceeds of minerals, is the percentage by which the supplemental city-county relief tax distribution factor may increase over the amount for the previous year.

7. For the fiscal years beginning on and after July 1, 1990, if the assessed valuation of all real property, possessory interests and mobile homes owned by the state within the boundaries of a local government, except a fire protection district to which the provisions of subsection 8 apply, exceeds 5 percent of the total assessed valuation of the local government, an amount equal to any increase over the preceding fiscal year in the assessed valuation of all real property, possessory interests and mobile homes that are owned by the state, exempt from taxation and within the boundaries of the local government must be added to the sum determined pursuant to paragraph (a) of subsection 6 and used in the calculation required by that subsection in the same manner as the assessed value of new real property.

8. The county assessor shall continue to assess real property which is transferred from private ownership to public ownership for the purpose of conservation as if it remained taxable property and the assessed valuation of

that property must continue to be included in calculating the supplemental city-county relief tax distribution factor of any fire protection district in which such property is located.

9. If a local government that is eligible to receive a portion of the revenue from the supplemental city-county relief tax levies a tax ad valorem for debt service for an obligation which has previously been repaid from another source, the supplemental city-county relief tax distribution factor of that local government calculated pursuant to this section must be reduced by the amount of that debt levy.

10. If a board of county commissioners which during the fiscal year ending on June 30, 1981, distributed all or part of the state gaming license fees received pursuant to paragraph (b) of subsection 2 of NRS 463.320 to other local governments thereafter reduces or discontinues that distribution, the supplemental city-county relief tax distribution factor for the county calculated pursuant to this section must be reduced by an equal amount.

11. On or before February 15 of each year, the executive director shall provide to each local government a preliminary estimate of the revenue it will receive from the supplemental city-county relief tax in the next fiscal year.

12. On or before March 15 of each year, the executive director shall:

(a) Make an estimate of the receipts from the supplemental city-county relief tax on an accrual basis for the next fiscal year in accordance with generally accepted accounting principles; and

(b) Provide to each local government an estimate of the tax that local government would receive based upon the estimate made pursuant to paragraph (a) and calculated pursuant to the provisions of this section.

13. A local government may use the estimate provided by the executive director pursuant to subsection 12 in the preparation of its budget.

Section 1 of Assembly Bill No. 337 of this session.

Section 1. NRS 360.215 is hereby amended to read as follows:

360.215 The department [may:

1. Assist] *:*

*1. May assist* the county assessors in appraising property within their respective counties which the ratio study shows to be [assessed at more or less than 35 percent of its taxable value.

2. Consult] *in need of reappraisal.*

*2. Shall consult* with and assist county assessors to develop and maintain standard assessment procedures to be applied and used in all of the counties of the state, to [the end] *ensure* that assessments of property by county assessors are made equal in each of the several counties of this state.

3. [Visit] *Shall visit* a selective cross section of assessable properties within the various counties in cooperation with the county assessor and examine these properties and compare them with the tax roll and assist the various county assessors in correcting any inequalities found to exist with factors of equal value and actual assessed value considered, and place upon the rolls any property found to be omitted from the tax roll.

4. [Carry] *Shall carry* on a continuing study, the object of which is the equalization of property values between counties.

5. [Carry] *Shall carry* on a program of in-service training for county assessors of the several counties of the state, and each year hold classes of instruction in assessing procedure for the purpose of bringing each county assessor and his authorized personnel the newest methods, procedures and practices in assessing property. Expenses of attending such classes are a proper and allowable charge by the board of county commissioners in each county.

6. [Continually] *Shall continually* supervise assessment procedures which are carried on in the several counties of the state and advise county assessors in the application of such procedures. The department shall make a complete written report to each session of the legislature, which must include all reports of its activities and findings and all recommendations which it has made to the several county assessors, and the extent to which [such] *the* recommendations have been followed.

7. [Carry] *Shall carry* on a continuing program to maintain and study the assessment of public utilities and all other property assessed by the department to the end that [such] *the* assessment is equalized with the property assessable by county assessors.

8. [Conduct] *May conduct* appraisals at the request of and in conjunction with any county assessor when [such] *the* assessor considers such assistance necessary. One-half of the cost of [such] *the* appraisal must be paid by the county. In lieu of a cash payment, the county may provide labor, material or services having a value equal to one-half of the appraisal cost.

*9. Shall establish and maintain a manual of assessment policies and procedures.*".

Amend the bill as a whole by adding a preamble, preceding the enacting clause, to read as follows:

"WHEREAS, In 1981, the Nevada Legislature substantially revised the laws governing the financial structure of the local governments of this state; and

WHEREAS, As part of that revision the supplemental city-county relief tax was imposed at the rate of 1.75 percent of taxable sales and a formula was enacted which allocated the revenue from that tax among the local governments; and

WHEREAS, The amount of property taxes that each local government was allowed to receive was reduced by an amount equal to the amount of revenue from the supplemental city-county relief tax that was allocated to that local government; and

WHEREAS, Various other controls were also instituted that limited the amount of revenue which could be received by a local government; and

WHEREAS, The formula for the distribution of the supplemental city-county relief tax was based upon the replacement of equal amounts of property tax revenue and did not attempt to return a particular portion of the proceeds of the sales and use tax to the area in which they were collected; and

WHEREAS, This legislature hereby finds and determines that it is more equitable to distribute the revenue from the supplemental city-county relief tax to the counties in which it was collected and to counties in which the persons who pay the tax may reside; and

WHEREAS, The changes in the formula to accomplish the new goals necessitate changes that are different for each county and will cause a severe shortfall of revenue in Washoe County which must be made up with new tax revenue; and

WHEREAS, It is in the best interests of this state to continue to limit the total revenues received by local governments and therefore it is necessary to authorize new taxes only for Washoe County to retain the balance and ensure equity and fairness in taxation throughout the state; and

WHEREAS, The legislature finds and declares that a general law cannot be made applicable to the situation because of the economic diversity of the local governments of this state, the unusual growth patterns in certain of those local governments and the special conditions experienced in certain counties related to the need to provide basic services; now, therefore,".

Amend the title of the bill to read as follows:

"An Act relating to taxation; requiring the department of taxation to establish uniform standards and required training concerning the assessment of property by county assessors; revising the provisions governing the assessment roll of county assessors; revising the formula for the distribution of the proceeds of the supplemental city-county relief tax; authorizing Washoe County to impose certain additional taxes to replace revenue lost as a result of the revision of the formula; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to taxation. (BDR 32-138)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Haller, Anderson, Lambert, Myrna Williams, Spriggs, Bergevin, Evans and Johnson.

Assemblyman Myrna Williams requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of this amendment. We worked very long and hard on this. It came out of the subcommittee and it came out of the full committee. I would not suggest to you that that vote was unanimous; however, I do want to make sure that I clear the record here. At no time, at no time were aspersions cast on any county, nor was there ever any discussion of malicious intent or intent to fool anyone. There was a recognition that there had been a sincere try, an attempt in 1981 to change things. It hadn't worked. It had worked to the disadvantage of 16 counties and the advantage of one. That was a result of the working of the formula, but never at any time, was anybody ever, ever accused of doing anything that could conceivably be construed as behind someone's back or not in accordance with the law. At this time I would like to just lend my support to this amendment.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 104 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:09 p.m.

## ASSEMBLY IN SESSION

At 1:15 p.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 805—An Act relating to insurance companies; making various changes concerning the financial regulation of insurance companies by the insurance division of the department of commerce; requiring certain insurers to file financial statements annually; authorizing the commissioner to place certain insurers under administrative supervision in certain circumstances; establishing requirements for person to act as reinsurance intermediary; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Concurrent Resolution No. 99—Directing the Legislative Committee on Health Care to consider the desirability of regulating utilization review.

Assemblyman Arberry moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 501.

The following Senate amendment was read:

Amendment No. 856.

Amend sec. 9, page 3, line 32, after "inclusive," by inserting: "[and] section 1 of [this act] *chapter 197, Statutes of Nevada 1991,*".

Amend sec. 22, page 9, line 14, by deleting "[under]" and inserting "[pursuant to]".

Amend sec. 22, page 9, line 19, by deleting: "[under] *pursuant to*" and inserting "pursuant to".

Amend sec. 22, page 9, by deleting line 24 and inserting: "filed pursuant to NRS 453.011 to 453.552,".

Amend sec. 22, page 9, by deleting lines 28 through 30 and inserting:

"(c) Had his federal registration to [manufacture, distribute,] possess, administer, dispense or prescribe controlled substances suspended or revoked;".

Amend sec. 22, page 9, line 32, by deleting "under" and inserting "by".

Amend sec. 22, page 9, lines 41 and 42, by deleting: "the State of Nevada" and inserting "this state".

Amend sec. 22, page 9, line 44, by deleting the comma.

Amend sec. 22, page 9, line 46, by deleting the comma.

Amend sec. 22, page 10, line 20, by deleting "bureau" and inserting: "Drug Enforcement Administration".

Amend sec. 22, page 10, line 22, by deleting "bureau" and inserting: "Drug Enforcement Administration".

Amend the bill as a whole by adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Porter moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 501.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered transmitted to the Senate.

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 344, 550, 554, 579, 608, 613, 629, 630, 680, 737, 754, 759; Senate Bill No. 308; Assembly Concurrent Resolution No. 76; Assembly Joint Resolution No. 13.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Angie Wallin.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 5, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:21 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-SIXTH DAY

CARSON CITY (Wednesday), June 5, 1991

Assembly called to order at 10:37 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, like little children who don't know where to go, we turn to You for help, comfort and love. We so need Your help in the task at hand. We need comfort for ourselves and our Chief Clerk's family in the loss of Mouryne's husband. We grieve with her, Lord, but we also rejoice in her faith and hope. May she and the family know our care as well as Yours.

Above all, we continually need Your love in all times, especially these. We pray this in the name of the Savior who always did and always will help, comfort and love. Amen and Amen.

Will you please join me in an additional quiet time of remembrance on behalf of the Landing family. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Concurrent Resolution No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 700, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 367, 499, 532, 551, 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 271, 384, 450, 715, 744.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 413, and respectfully requests your honorable body to concur in said amendment.

JANICE L. THOMAS
*Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 96.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman, Kerns, Humke, Scherer, Price and Dini.

Assemblyman Dini moved that Assembly Concurrent Resolution No. 96 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 333 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 245 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 10:53 a.m.

## ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 261:

YEAS—42.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 447.
Bill read third time.
Remarks by Assemblyman Goetting.
Roll call on Assembly Bill No. 447:
YEAS—33.
NAYS—Freeman, Gibbons, Gregory, Hardy, Johnson, Little, Petrak, Scherer, Stout—9.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 689.
Bill read third time.
Remarks by Assemblymen Callister, Sader, Anderson, Giunchigliani, Haller, Stout, Price and Pettyjohn.
Roll call on Assembly Bill No. 689:
YEAS—24.
NAYS—Anderson, Bache, Bennett, Bergevin, Freeman, Giunchigliani, Gregory, Haller, Hardy, Johnson, Kerns, Little, Petrak, Sader, Scherer, Spitler, Stout, Myrna Williams—18.

Assembly Bill No. 689 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 713.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 713:
YEAS—42.
NAYS—None.

Assembly Bill No. 713 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 739.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Assembly Bill No. 739:
YEAS—42.
NAYS—None.

Assembly Bill No. 739 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 770.
Bill read third time.
Remarks by Assemblymen Anderson and Price.
Roll call on Assembly Bill No. 770:
YEAS—42.
NAYS—None.

Assembly Bill No. 770 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 776.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 776:

YEAS—42.

NAYS—None.

Assembly Bill No. 776 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 785.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 785:

YEAS—42.

NAYS—None.

Assembly Bill No. 785 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 786.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 786:

YEAS—40.

NAYS—None.

Not voting—Gregory, Lambert—2.

Assembly Bill No. 786 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 261, 447, 689, 713, 739, 770, 776, 785, 786 be immediately transmitted to the Senate.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bills Nos. 421, 581; Senate Bill No. 201; Assembly Joint Resolutions Nos. 26, 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 25, 421, 581, 700; Assembly Joint Resolutions Nos. 26, 29; Senate Bills Nos. 201, 367, 499, 509, 532, 551, 589 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 568, 596, 618.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 372, 492, 578.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 25.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 25 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Senate Joint Resolution No. 25:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 372.

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

Motion carried.

Senate Bill No. 492.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 568.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 578.

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

Motion carried.

Senate Bill No. 596.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 618.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 421.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 581.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 700.

Bill read second time.

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

Amendment No. 1058.

Amend section 1, page 1, line 8, by deleting "shall" and inserting: "shall] *The additional member must*".

Amend section 1, page 1, line 10, by deleting the bracket.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on January 1, 1992.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 26.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 29.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 201.
Bill read second time and ordered to third reading.

Senate Bill No. 367.
Bill read second time and ordered to third reading.

Senate Bill No. 499.
Bill read second time and ordered to third reading.

Senate Bill No. 509.
Bill read second time and ordered to third reading.

Senate Bill No. 532.
Bill read second time and ordered to third reading.

Senate Bill No. 551.
Bill read second time and ordered to third reading.

Senate Bill No. 589.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 123.
Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Senate Bill No. 123:
YEAS—42.
NAYS—None.

Senate Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 226.
Bill read third time.
Remarks by Assemblyman Johnson.
Roll call on Senate Bill No. 226:
YEAS—42.
NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 393.
Bill read third time.
Remarks by Assemblyman Kerns.
Roll call on Senate Bill No. 393:
YEAS—42.
NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 443.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Senate Bill No. 443:
YEAS—42.
NAYS—None.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 455.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 455:
YEAS—42.
NAYS—None.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 476.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 476:
YEAS—42.
NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 493.
Bill read third time.
Remarks by Assemblyman McGaughey.
Roll call on Senate Bill No. 493:
YEAS—41.
NAYS—Scherer.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 572.
Bill read third time.
Remarks by Assemblyman Johnson.
Roll call on Senate Bill No. 572:
YEAS—42.
NAYS—None.

Senate Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 598.
Bill read third time.
Remarks by Assemblymen Bergevin, Pettyjohn and Garner.
Roll call on Senate Bill No. 598:
YEAS—42.
NAYS—None.

Senate Bill No. 598 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 22.
Resolution read third time.
Remarks by Assemblyman McGinness.
Roll call on Senate Joint Resolution No. 22:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

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

Assembly in recess at 1:08 p.m.

## ASSEMBLY IN SESSION

At 1:09 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

### GENERAL FILE AND THIRD READING

Senate Bill No. 333.
Bill read third time.
The following amendment was proposed by Assemblyman Humke:
Amendment No. 809.
Amend the bill as a whole by adding new sections designated sections 1.3 and 1.5, following section 1, to read as follows:
"Sec. 1.3. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 2 of this act.
Sec. 1.5. *1. The department shall solicit bids from not fewer than three persons who are certified or registered in this state as public accountants to conduct drawings for any of the tags required to hunt big game mammals or birds in this state, and shall enter into a contract with the lowest responsible bidder to conduct the necessary drawings.*
*2. The person selected must not in any way be affiliated with the department or otherwise have an interest in the outcome of the drawing.*
*3. The person selected shall:*
*(a) Conduct any drawing for big game tags or bird tags through the use of a computer;*

*(b) Receive and process any applications for big game tags or bird tags for which a drawing has been determined to be necessary by the commission;*

*(c) Enter all data necessary for a drawing into the computer;*

*(d) Deposit all fees accompanying the applications into a separate bank account and post a bond for the entire amount of the account with the department;*

*(e) Ensure that the computer program will provide for a drawing that is as random as technically possible;*

*(f) Make the program used for the drawing available for inspection by the public;*

*(g) Return the fees submitted for tags other than the fee for processing the application to each applicant who was unsuccessful in drawing a tag;*

*(h) Forward all remaining money, including fees collected from successful applicants and fees for processing the applications, to the department; and*

*(i) Make the data entered into the computer for a drawing available for inspection by the public before and after the drawing or hire an independent auditor to audit the drawing and make the audit available for inspection by the public.*

*4. The department shall account separately for the money received from fees for processing the applications and use that money to cover the costs associated with such drawings.*".

Amend sec. 2, page 2, by deleting lines 7 through 9 and inserting:

"Sec. 2. *1. For the purpose of issuing and using resident licenses, tags or permits*".

Amend sec. 4.5, page 5, line 21, by deleting: "tag and one elk tag" and inserting: "tag, one elk tag and two deer tags".

Amend sec. 4.7, page 5, line 44, by deleting: "tag and one elk tag" and inserting: "tag, one elk tag and two deer tags".

Amend sec. 10, page 7, line 21, after "effective" by inserting: "at 12:01 a.m.".

Amend sec. 10, page 7, line 26, by deleting "12:01" and inserting "12:02".

Amend the title of the bill, second line, after "trap;" by inserting: "requiring the department of wildlife to enter into a contract with a person to conduct the annual drawings for big game tags and bird tags;".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Anderson, Johnson, Kerns, McGinness, Scherer, Price and Dini.

Assemblymen Gibbons, Spitler and Norton requested a roll call on Assemblyman Humke's motion.

Roll call on Assemblyman Humke's motion:

YEAS—24.

NAYS—Anderson, Arberry, Bache, Callister, Freeman, Garner, Giunchigliani, Haller, Johnson, Kerns, Krenzer, Lambert, McGinness, Porter, Price, Myrna Williams, Wendell Williams, Mr. Speaker—18.

The amendment having received a majority, Madam Speaker pro Tempore declared it adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 179, 183, 444; Senate Bills Nos. 319, 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 179, 183, 444; Senate Bills Nos. 319, 491 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:48 p.m.

## ASSEMBLY IN SESSION

At 2:05 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## SECOND READING AND AMENDMENT

Assembly Bill No. 179.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 319.

Bill read second time and ordered to third reading.

Senate Bill No. 491.

Bill read second time and ordered to third reading.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:09 p.m.

## ASSEMBLY IN SESSION

At 2:16 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 160, 392, 483, 528; Senate Bills Nos. 120, 124, 150, 349, 444, 446, 460, 464, 533, 583; Assembly Joint Resolution No. 30.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 6, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:17 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-SEVENTH DAY

CARSON CITY (Thursday), June 6, 1991

Assembly called to order at 10:53 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

God, we stand here for prayer every morning and like so many other things, it gets old. Reach into our hearts, Lord; grab our attention and shake us with Your love. May we be different for having approached You for guidance. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 237, 288, 593, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 592; Senate Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 712, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 627; Senate Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 312, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 566 and requests a conference, and appointed Senators Shaffer, Raggio and Horn as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 313.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Titus, Adler and Smith as a first Committee on Conference concerning Senate Bill No. 355.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 420 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 551 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 68 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:58 a.m.

## ASSEMBLY IN SESSION

At 11:14 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 769 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

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

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 540; Senate Bills Nos. 148, 320, 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 721, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Garner and McGaughey as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 566.

GENERAL FILE AND THIRD READING

Assembly Bill No. 179.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 179:

YEAS—40.

NAYS—None.

Not voting—Evans, Humke—2.

Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 183:

YEAS—41.

NAYS—Little.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Goetting.

Roll call on Assembly Bill No. 292:

YEAS—38

NAYS—Bayley, Gregory, Johnson, Little—4.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 421:

YEAS—42.

NAYS—None.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 444:

YEAS—37.

NAYS—Bayley, Hardy, Johnson, Scherer, Wong—5.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 446.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 446:

YEAS—41.

NAYS—None.

Not voting—Scherer.

Assembly Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1113.

Amend sec. 27, page 6, by deleting line 14 and inserting: "462.010 to 462.060, inclusive, it shall not be] *this chapter, it is not* necessary to".

Amend sec. 31, page 6, line 46, after "inclusive," by inserting: "and sections 2 and 3 of [this act,] *Assembly Bill No. 554 of this session,*".

Amend sec. 43, page 12, line 46, by deleting: "the violation is or is not" and inserting: "or not the violation is".

Amend sec. 43, page 13, by deleting lines 12 and 13 and inserting:

"(c) Any person convicted of a crime in the State of Nevada pursuant to the provisions of NRS 122.220, 201.120 to".

Amend sec. 43, page 13, by deleting lines 18 through 20 and inserting: "646.060, inclusive, [or] 647.110 to 647.145, inclusive, *or chapter 462 of NRS,* or convicted in any place other than the State of Nevada of an offense which, if committed in this state, would".

Amend the bill as a whole by adding a new section designated sec. 44, following sec. 43, to read as follows:

"Sec. 44. Sections 31 and 43 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 490:

YEAS—39.

NAYS—Hardy, McGinness, Stout—3.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblymen Little, Pettyjohn, Spitler and Price.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblymen Price, Norton and Freeman.

Roll call on Assembly Bill No. 581:

YEAS—42.

NAYS—None.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 591.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Assembly Bill No. 591:

YEAS—41.

NAYS—None.

Not voting—Carpenter.

Assembly Bill No. 591 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 664.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 664:

YEAS—39.

NAYS—Bayley, Bergevin, Hardy—3.

Assembly Bill No. 664 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 717.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 717:

YEAS—42.

NAYS—None.

Assembly Bill No. 717 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 60.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 371 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 60.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblymen Sader, Evans, Anderson and Freeman.

Resolution adopted unanimously.

## GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 26.

Resolution read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Joint Resolution No. 26:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 29.

Resolution read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Joint Resolution No. 29:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 179, 183, 292, 421, 444, 446, 490, 575, 581, 591, 664, 717; Assembly Joint Resolutions Nos. 26 and 29 be immediately transmitted to the Senate.

Motion carried unanimously.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 804, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Select Committee on Corrections without recommendation.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Bill No. 804 be re-referred to the Select Committee on Corrections.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 339, 592, 627, 712, 721; Senate Bills Nos. 148, 173, 237, 288, 320, 380, 404, 526 and 593 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:08 p.m.

## ASSEMBLY IN SESSION

At 12:21 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 546, 570, 591, 601.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 546.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 570.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 591.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 601.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 386 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 35 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 68 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 386 be taken from its position on the General File and placed on the General File immediately following Senate Bill No. 68.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 35 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 386.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 339.

Bill read second time.

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

Amendment No. 904.

Amend section 1, page 1, line 2, by deleting "5," and inserting "11,".

Amend sec. 2, page 1, by deleting lines 3 through 8 and inserting:

"Sec. 2. *1. "Municipality" means a county, city or town.*

*2. "Toll road" means any highway, freeway or other right of way used primarily for vehicular traffic and includes all structures, culverts, curbs, drains, buildings, services and works incidental to the construction or operation of a toll road.*".

Amend sec. 3, page 1, line 10, after "*bridges.*" by inserting: "*The toll road or toll bridge may be an entirely new road or bridge or an existing road or bridge to which major improvements will be added, or any combination thereof.*".

Amend sec. 3, page 1, between lines 16 and 17 by inserting:

"*4. Enter into an interlocal or intercounty agreement for the acquisition or major improvement of a toll road or bridge.*".

Amend sec. 5, page 2, by deleting lines 3 through 8 and inserting:

"Sec. 5. *1. The ordinance providing for the issuance of any bonds or other securities pursuant to section 3 or 4 of this act must specify the length of time that the project will remain a toll facility and the use of the revenues therefrom.*

*2. When the project is no longer a toll facility, the governing body may enter into an agreement with the director of the department of transportation to make the former toll road or toll bridge a part of the state highway system.*".

Amend the bill as a whole by adding new sections designated sections 6 through 11, following sec. 5, to read as follows:

"Sec. 6. *1. If public money is not used to finance construction, a governing body may:*

*(a) Adopt an ordinance ordering the acquisition or major improvement of a road or bridge and charge a toll for the use of the road or bridge; and*

*(b) Contract with a person to construct, improve, maintain or operate, or any combination thereof, the road or bridge as a toll road or toll bridge without complying with the provisions of any law requiring public bidding or otherwise imposing requirements on any public contract, project, works or improvements, including, without limitation, chapters 332, 338 and 339 of NRS, if the governing body enters into a contract for the acquisition, construction or major improvement of the road or bridge which includes:*

*(1) A provision stating that the requirements of NRS 338.010 to 338.090, inclusive, apply to any construction work to be performed under the contract; and*

*(2) The price, stated as a lump sum or as unit prices, which the governing body agrees to pay for the road or bridge if the road or bridge meets all requirements and specifications in the contract.*

*2. The governing body may provide for a letter of credit, surety bond or other collateral to guarantee payment of any interim warrants or bonds issued for a toll road or toll bridge.*

*3. If a governing body creates a toll road or toll bridge, it shall create a special reserve fund for the tolls collected. Any interest and income earned on the money in the fund must remain in the fund for use as all other money in the fund is used. The money in the fund may only be used to pay the cost of the project for which the tolls are collected and the administrative costs directly related to the project, including the cost of collecting the tolls. The appropriate officer of the municipality shall transfer monthly the amount of money necessary to pay any payments of interest or principal that will be due in the next preceding month for debt related to the toll road or toll bridge from the fund to a debt service fund created for that purpose.*

Sec. 7. *As used in sections 7 to 11, inclusive, unless the context otherwise requires:*

*1. "Board" means the board of directors of the department of transportation.*

*2. "Director" means the director of the department of transportation.*

Sec. 8. *1. Upon approval of the board, the director may:*

*(a) Establish a toll road or toll bridge.*

*(b) Enter into an agreement with another state or the Federal Government, or both, concerning the construction, major improvement or maintenance, or any combination thereof, of a toll road or toll bridge.*

*2. The director may enter into any contracts necessary for the construction, major improvement or maintenance of the road or bridge.*

*3. The toll road or toll bridge may be an entirely new road or bridge or an existing road or bridge to which major improvements will be added, or any combination thereof.*

Sec. 9. *The toll charged for use of the road or bridge must be calculated by the director to produce, within a reasonable period, an amount of money equal to the cost of the project or the portion of the cost of the project to be financed by the tolls. After the cost of the project is recovered, the toll must not be collected unless:*

*1. A plan for necessary maintenance or future improvements has been adopted by the director;*

*2. The plan is approved by the board; and*

*3. The amount of the toll is recalculated to produce the amount of money required by the plan.*

Sec. 10. *Money collected as tolls from a toll road or toll bridge authorized pursuant to sections 7 to 11, inclusive, of this act must be accounted for separately in the state highway fund and may only be used to pay the costs of the project for which the tolls are collected and the administrative costs directly related to the project, including the cost of collecting the tolls.*

Sec. 11. *1. The director may, with the approval of the board, request that the board of examiners issue general obligation bonds, revenue bonds or any other evidence of indebtedness, or any combination thereof, to finance the construction of a toll road or toll bridge.*

*2. The bonds or other obligations may be issued at one time or from time to time.*

*3. The provisions of chapter 349 of NRS apply to the issuance of the bonds or other obligations pursuant to this section.*".

Amend the title of the bill to read as follows:

"An Act relating to roads; authorizing local governments and the director of the department of transportation to establish toll roads and toll bridges; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes local governments and department of transportation to establish toll roads and toll bridges. (BDR 35-1076)".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Taxation.

Assembly Bill No. 592.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1100.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sec. 5 as section 1.

Amend sec. 5, page 2, line 22, by deleting "[5] *50*" and inserting "5".

Amend the bill as a whole by deleting sections 6 through 9 and renumbering sec. 10 as sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to mining reclamation; redefining a "small mining operation"; and providing other matters properly relating thereto.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 627.

Bill read second time.

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

Amendment No. 938.

Amend section 1, page 1, line 4, by deleting "*other conveyance*" and inserting "*transfer*".

Amend section 1, page 1, line 9, by deleting "*30*" and inserting "*15*".

Amend section 1, page 1, line 11, by deleting "*or lease.*" and inserting: "*, lease or transfer.*".

Amend section 1, page 1, line 15, by deleting "*otherwise convey*" and inserting "*transfer*".

Amend section 1, page 1, lines 16 and 17, by deleting "*or lease*" and inserting: "*, lease or transfer*".

Amend section 1, page 1, line 19, after "*city*" by inserting: "*declines in writing to request a hearing or otherwise*".

Amend section 1, page 1, line 20, by deleting "*30*" and inserting "*15*".

Amend section 1, page 1, line 21, by deleting "*or lease.*" and inserting: "*, lease or transfer.*".

Amend the title of the bill, second line, by deleting "other conveyance" and inserting "transfer".

Amend the summary of the bill, second line, by deleting "other conveyance" and inserting "transfer".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 712.
Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 721 be taken from its position on the Second Reading File and placed on the Second Reading File immediately following Senate Bill No. 593.
Remarks by Assemblyman Porter.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 148.
Bill read second time and ordered to third reading.

Senate Bill No. 173.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:
Amendment No. 936.
Amend section 1, page 1, by deleting line 20 and inserting: "in NRS 445.361 to 445.399, inclusive, sections 3 to 7, inclusive, of [this act,] *Senate Bill No. 171 of this session* and sections 2 to 9, inclusive, of Senate Bill No. 172 of this session.".
Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:
"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1991.".
Assemblyman Freeman moved the adoption of the amendment.
Remarks by Assemblyman Freeman.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 237.
Bill read second time and ordered to third reading.

Senate Bill No. 288.
Bill read second time and ordered to third reading.

Senate Bill No. 320.
Bill read second time and ordered to third reading.

Senate Bill No. 380.
Bill read second time and ordered to third reading.

Senate Bill No. 404.
Bill read second time and ordered to third reading.

Senate Bill No. 526.
Bill read second time.

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

Amendment No. 1065.

Amend sec. 4, page 2, by deleting lines 18 through 26 and inserting:

"Sec. 4. *The state engineer shall reject the application and refuse to issue a permit to appropriate water for a specified period pursuant to NRS 533.370 if he determines that:*

*1. The application is incomplete;*

*2. The prescribed fees have not been paid;*

*3. The proposed use or change is not temporary;*

*4. There is no unappropriated water in the proposed source of supply;*

*5. The proposed use or change conflicts with existing rights; or*

*6. The proposed use or change threatens to prove detrimental to the public interest.*".

Amend sec. 6, page 2, by deleting line 44 and inserting: "*would result in the transfer of water*".

Amend sec. 6, page 2, line 45, by deleting "*year*".

Amend sec. 6, page 3, by deleting lines 2 through 6 and inserting "*the county.*".

Amend sec. 6, page 3, line 7, by deleting "*4.*" and inserting "*3.*".

Amend sec. 6, page 3, line 11, by deleting "*5.*" and inserting "*4.*".

Amend sec. 7, page 3, by deleting lines 16 and 17 and inserting:

"533.360 1. Except as otherwise provided in NRS 533.345 [and] , *section 2 of this act,* subsection 3 of NRS 533.370 and subsection 3, when an application is".

Amend sec. 7, page 3, line 31, by deleting "Proof" and inserting: "Except as otherwise provided in subsection 3, proof".

Amend sec. 7, page 3, between lines 35 and 36, by inserting:

"3. The provisions of this section do not apply to an environmental permit.".

Amend sec. 8, page 3, by deleting line 38 and inserting: "and this section and [subsection 5] *section 2 of this act,* the state engineer shall approve an".

Amend sec. 8, page 3, line 45, by deleting "The" and inserting: "Except as otherwise provided in subsection 5, the".

Amend sec. 8, page 4, line 7, by deleting "Where" and inserting: "Except as otherwise provided in subsection 5, where".

Amend sec. 8, page 4, after line 22, by inserting:

"5. The provisions of subsections 1, 2 and 3 do not apply to an application for an environmental permit.".

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

"Sec. 9. Sections 7 and 8 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 593.

Bill read second time and ordered to third reading.

Assembly Bill No. 721.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 804.

Amend section 1, page 1, line 10, by deleting "75" and inserting "[75] *87.50*".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 68.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 757.

Amend sec. 2, page 2, line 20, by deleting the bracket.

Amend sec. 2, page 2, by deleting lines 30 through 48 and inserting: "occupancy, until the final judgment is satisfied.".

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

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

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 386.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 922.

Amend sec. 2, page 1, by deleting lines 18 through 20 and inserting: "attendance area [.] *in the district. If, on or before June 1 immediately preced-*".

Amend sec. 2, page 2, lines 1 and 2, by deleting: "*or otherwise provide*".

Amend the title of the bill, second and third lines, by deleting "certain exceptions;" and inserting: "an exception under certain circumstances;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 35.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1054.

Amend sec. 2, page 2, line 30, by deleting: "A registered nurse" and inserting: "An advanced practitioner of nursing".

Amend sec. 2, page 2, line 38, by deleting "the nurses" and inserting: "advanced practitioners of nursing".

Amend sec. 2, page 2, line 39, by deleting "nurses." and inserting: "advanced practitioners of nursing.".

Amend sec. 2, page 2, lines 40 and 41, by deleting: "a registered nurse" and inserting: "an advanced practitioner of nursing".

Amend sec. 2, page 2, line 43, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend sec. 2, page 2, line 45, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend sec. 2, page 2, line 47, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend sec. 2, page 3, line 1, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend sec. 2, page 3, line 10, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend sec. 2, page 3, lines 13 and 14, by deleting: "a registered nurse" and inserting: "an advanced practitioner of nursing".

Amend sec. 2, page 3, line 18, by deleting "a nurse" and inserting: "an advanced practitioner of nursing".

Amend sec. 2, page 3, line 25, by deleting "nurses" and inserting: "advanced practitioners of nursing".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, first line, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Amend the summary of the bill, first line, by deleting "registered nurse" and inserting: "advanced practitioner of nursing".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 75, 201, 246, 319, 367, 491, 499, 509, 532, 564 and 589 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 76.

The following Senate amendment was read:

Amendment No. 982.

Amend sec. 2, page 1, by deleting line 16 and inserting:

"*(c) Has no fire extinguisher as required by NRS 488.193;*".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 76.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 349.

The following Senate amendment was read:

Amendment No. 748.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the bill as a whole by deleting sec. 4 and adding new sections designated sections 2 through 7, following sec. 3, to read as follows:

"Sec. 2. Chapter 459 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *"Hazardous substance" includes, without limitation, hazardous material, a regulated substance, a pollutant and a contaminant.*

Sec. 4. *1. The provisions of NRS 459.560 and 459.565 that concern hazardous substances do not apply:*

*(a) In a county whose population is less than 40,000;*

*(b) To mining or agricultural activities; or*

*(c) To other facilities or locations where the quantity of any one hazardous substance at any one facility or location does not exceed 1,000 kilograms at any time.*

*2. All other provisions of NRS 459.560 and 459.565, including the provisions concerning hazardous waste, apply to all counties and all industries without regard to volume.*

Sec. 5. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, *and sections 3 and 4 of this act,* unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, *and section 3 of this act,* have the meanings ascribed to them in those sections.

Sec. 6. NRS 459.560 is hereby amended to read as follows:

459.560 Any authorized representative or employee of the commission or the department may, for the purpose of carrying out his duties pursuant to NRS 459.400 to 459.600, inclusive, or to enforce a regulation adopted pursuant to those sections:

1. Enter any place where waste *or a substance* which the department has reason to believe may be hazardous *waste or a hazardous substance* is or may have been generated, stored, transported, treated, disposed of or otherwise handled;

2. Inspect and obtain samples of any waste *or substance* which the department has reason to believe may be hazardous [,] *waste or a hazardous substance,* including samples from any vehicle in which waste *or substance* is being transported, and samples of containers and labels; and

3. Inspect and copy any records, reports, information or test results relating to the management of hazardous wastes [.] *or hazardous substances.*

Sec. 7. NRS 459.565 is hereby amended to read as follows:

459.565 *1.* If the department receives information that the handling, storage, transportation, treatment or disposal of any waste *or hazardous substance* may present an imminent and substantial hazard to human health, public safety or the environment, it may:

[1.] *(a)* Issue an order directing the owner or operator of the facility for treatment, storage or disposal of the waste or *the owner or operator of any site where the treatment, storage or disposal of a hazardous substance has occurred or may occur or any* other person who has custody of the waste *or hazardous substance* to take necessary steps to prevent the act or eliminate the practice which constitutes the hazard.

[2. Request that the attorney general commence an action to enjoin the practices or acts which constitute the hazard.

3. Take any other action designed to reduce or eliminate the hazard.]

*(b) Order a site assessment to be conducted and a remediation plan to be developed pursuant to regulations adopted by the commission.*

*(c) Assess costs and expenses incurred by the department in carrying out the provisions of this section or in removing, correcting or terminating any hazard to human health, public safety or the environment pursuant to regulations adopted by the commission.*

*(d) Request that the attorney general commence an action to enjoin the practices or acts which constitute the hazard.*

*(e) Take any other action designed to reduce or eliminate the hazard.*

*2. The department may perform inspections pursuant to NRS 459.560 and issue an order directing the owner or operator of the facility for treatment, storage or disposal of waste or the owner or operator of any site where the treatment, storage or disposal of a hazardous substance has occurred or may occur or any other person who has custody of the waste or hazardous substance to take any necessary steps to prevent any act or eliminate any practice or effect which could constitute a hazard to human health, public safety or the environment.*".

Amend the title of the bill to read as follows:

"An Act relating to water pollution; prohibiting certain acts that would cause a pollutant to be carried into the waters of the state; providing for the regulation of hazardous substances in certain counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits certain acts that would cause pollutant to be carried into waters of state and provides for regulation of certain hazardous substances. (BDR 40-586)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 349.

Remarks by Assemblymen Freeman, Spriggs, Porter and McGaughey.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 71, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

| | |
|---|---|
| WILLIAM DAVID GREGORY | WILLIAM R. O'DONNELL |
| JOE ELLIOTT | ERNEST E. ADLER |
| JOHN L. NORTON | STEPHANIE S. TYLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 7.

Amend section 1, page 1, by deleting lines 1 through 24 and inserting:

"Section 1. NRS 432B.190 is hereby amended to read as follows:

432B.190 The welfare division shall adopt regulations establishing reasonable and uniform standards for:

1. Protective services provided in this state;
2. Programs for the prevention of abuse or neglect of a child;
3. The development of local councils involving public and private organizations;
4. Reports of abuse or neglect, records of these reports and the response to these reports;
5. The management and assessment of reported cases of abuse or neglect;
6. The protection of the legal rights of parents and children;
7. Emergency shelter for a child;
8. The prevention, identification and correction of abuse or neglect of a child in residential institutions; [and]
9. Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395 [.] *; and*
*10. Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding.*".

Amend the title of the bill, first line, after "children;" by inserting: "requiring the welfare division of the department of human resources to provide uniform standards for the development and distribution of an informational pamphlet;".

Assemblyman Gregory moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 71.

Remarks by Assemblyman Gregory.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 271, 384, 450, 715, 744; Senate Bills Nos. 101, 313, 317.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Norton, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Shaw.

On request of Assemblyman Pettyjohn, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. James Arrendale and Hugh Anderson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Joey Tillman and Edward Brown.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Colleen Lillard, Tina Leighton, Messrs. Tim Leighton, Scott Leighton, Bob Leighton, Bill Harrison, Mrs. Dorothy Harrison, Mr. Ron Wrest, Mrs. Marla Wrest, Mr. Bill Cole and Mrs. Jean Cole.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 7, 1991 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:57 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-EIGHTH DAY

CARSON CITY (Friday), June 7, 1991

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, as we look around us today, we are amazed by Your beauty. Thank You for a beautiful day, beautiful scenery and beautiful people. May the attitudes expressed and the decisions made in this building today somehow reflect Your beauty. In the name of the One who brings beauty to all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 712 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 546, 601, 618, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Assembly Bill No. 504; Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was re-referred Senate Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Bills Nos. 652, 753, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 769 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 700.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Callister moved that Senate Bill No. 333 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblymen Callister and Humke.

Assemblymen Humke, McGaughey and Bergevin requested a roll call on Assemblyman Callister's motion.

Roll call on Assemblyman Callister's motion:

YEAS—23.

NAYS—Bayley, Bergevin, Carpenter, Evans, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Little, McGaughey, Marvel, Sader, Scherer, Spitler, Spriggs, Stout, Wong—19.

The motion having received a majority, Mr. Speaker declared it carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 347, 351.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 423, 453, and respectfully requests your honorable body to concur in said amendments.

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

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Joint Resolution No. 18.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 806—An Act relating to general improvement districts; allowing additional members to serve on a local district managing board; providing specified powers to the board of trustees of certain districts concerning storm drainage or flood control improvements; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 312:

YEAS—42.

NAYS—None.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 700.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 700:

YEAS—42.

NAYS—None.

Assembly Bill No. 700 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 769.

Bill read third time.

Remarks by Assemblymen Scherer, Anderson, Gregory, Johnson, Price, Myrna Williams and Giunchigliani.

Roll call on Assembly Bill No. 769:

YEAS—41.

NAYS—Anderson.

Assembly Bill No. 769 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 312, 700 and 769 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Sader moved that Senate Bill No. 232 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblymen Sader, Spriggs, Elliott and Myrna Williams.

Roll call on Senate Bill No. 75:

YEAS—42.

NAYS—None.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 148:

YEAS—39.

NAYS—Goetting, Johnson, Petrak—3.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 1005.

Amend sec. 2, page 1, line 7, after "*container*" by inserting: "*intended for single use*".

Amend sec. 2, page 1, line 8, by deleting "*and*".

Amend sec. 2, page 1, between lines 8 and 9, by inserting:

"*(b) Screw-top, snap-cap or other closure; and*".

Amend sec. 2, page 1, line 9, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 4, page 2, lines 12 and 13, by deleting: "*resins, including layered plastics of a combination of materials.*" and inserting "*resins.*".

Amend sec. 4, page 2, by deleting line 16 and inserting: "*bottle or container may, if the materials are compatible in recycling systems, bear the symbol indicating its basic material even if the symbol is applied to the base cup of the secondary material. If the materials are not compatible, the bottle or container shall bear the symbol "7" or "OTHER."*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 237.

Bill read third time.
Remarks by Assemblymen Johnson and Carpenter.
Roll call on Senate Bill No. 237:
YEAS—42.
NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 246.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 246:
YEAS—42.
NAYS—None.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 532 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Sader.
Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 288.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 288:
YEAS—42.
NAYS—None.

Senate Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 319.
Bill read third time.
Remarks by Assemblymen Myrna Williams and Anderson.
Roll call on Senate Bill No. 319:
YEAS—42.
NAYS—None.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 320.
Bill read third time.

Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 320:
YEAS—42.
NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 367.
Bill read third time.
Remarks by Assemblymen Sader, Carpenter and Myrna Williams.
Roll call on Senate Bill No. 367:
YEAS—41.
NAYS—Carpenter.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 380.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Senate Bill No. 380:
YEAS—41.
NAYS—None.
Not voting—Humke.

Senate Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 712 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Wendell Williams.
Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 404.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 404:
YEAS—42.
NAYS—None.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 491.
Bill read third time.

Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 491:
YEAS—38.
NAYS—Gregory, Hardy, Little, McGaughey—4.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 499.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Senate Bill No. 499:
YEAS—42.
NAYS—None.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 509.
Bill read third time.
Remarks by Assemblyman Wong.
Roll call on Senate Bill No. 509:
YEAS—39.
NAYS—Johnson, Lambert, Little—3.

Senate Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 564.
Bill read third time.
Remarks by Assemblymen Arberry and Porter.
Conflict of interest declared by Assemblyman Porter.
Roll call on Senate Bill No. 564:
YEAS—40.
NAYS—None.
Not voting—Porter, Spitler—2.

Senate Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 589.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Senate Bill No. 589:
YEAS—39.
NAYS—Arberry, Pettyjohn, Spriggs—3.

Senate Bill No. 589 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 593.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 593:

YEAS—42.

NAYS—None.

Senate Bill No. 593 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1126.

Amend sec. 3, page 1, line 21, after "*trustee*" by inserting: "*or the trustor*".

Amend sec. 3, page 2, line 4, by deleting "*21*" and inserting "*45*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 712.

Bill read third time.

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

Amendment No. 1121.

Amend section 1, page 1, line 23, by deleting "*applicant for*" and inserting: "*qualified applicant for permanent full-time*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 797; Senate Bill No. 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 512, 779, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 124, 504, 512, 652, 753, 779, 797; Senate Bills Nos. 82, 417, 463, 544, 546, 601 and 618 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 103 and Senate Bill No. 554 be placed on the General File.

Motion carried.

Assemblyman Callister moved that Assembly Bill No. 540 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Callister.

Motion carried.

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

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 626, 627.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 508, 525, 540, 594.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 508.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 525.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 540.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 594.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 626.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 627.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Myrna Williams, Garner and McGaughey as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 501.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter requested that the record reflect Assemblyman Bergevin excused for the remainder of the day.

## SECOND READING AND AMENDMENT

Assembly Bill No. 124.

Bill read second time.

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

Amendment No. 1076.

Amend the bill as a whole by deleting sections 1 through 19 and renumbering sec. 20 as section 1.

Amend sec. 20, page 3, line 48, by deleting "must" and inserting "[must] *may*".

Amend sec. 20, page 4, line 8, by deleting "must" and inserting "[must] *may*".

Amend sec. 20, page 4, line 14, by deleting "must" and inserting "[must] *may*".

Amend sec. 20, pages 4 and 5, by deleting lines 41 through 48 on page 4 and lines 1 through 5 on page 5, and inserting:

"*(k) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from such hazards.*".

Amend the bill as a whole by deleting sections 21 through 23.

Amend the title of the bill to read as follows:

"An Act relating to planning; authorizing the inclusion of a safety plan within a master plan in certain counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes inclusion of safety plan within master plan in certain counties. (BDR 22-540)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1092.

Amend section 1, page 1, by deleting lines 9 through 12 and inserting:

"*3. In determining the appropriate penalty for a violation of subsection 2, the court shall consider as an aggravating factor, if applicable, whether the defendant left a loaded firearm within reach of or easily accessible to a minor who used the firearm to inflict injury or death upon himself or another person,*".

Amend section 1, page 2, by deleting lines 1 through 8.

Amend the title of the bill to read as follows:

"An Act relating to firearms; requiring a court to consider a certain aggravating factor in determining the penalty for a person who aided or knowingly permitted a minor illegally to possess a firearm; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires court to consider certain aggravating factor in determining penalty for person who aided or knowingly permitted minor illegally to possess firearm. (BDR 15-1161)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 512.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 652.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1096.

Amend sec. 10, page 3, by deleting lines 6 through 18 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend sec. 12, page 4, line 5, after "programs" by inserting "*and tapes*".

Amend sec. 15, page 5, line 44, by deleting: "*on this day*";" and inserting: "*for this election*";".

Amend sec. 15, page 6, line 2, by deleting "*person.*" and inserting: "*person under penalty of perjury.*".

Amend sec. 17, page 8, by deleting line 5 and inserting: "*before that election, if possible; or*".

Amend sec. 18, page 8, by deleting line 24 and inserting: "*ability to go to the polling place,*".

Amend sec. 19, page 8, line 36, by deleting the bracket.

Amend sec. 19, page 8, line 43, by deleting the bracket.

Amend sec. 21, page 9, line 39, by deleting "*must*" and inserting "*may*".

Amend sec. 22, page 9, by deleting lines 47 and 48 and inserting:

"293.440 1. Any person who desires a copy of any list of the registered voters in any".

Amend sec. 22, page 10, line 6, by deleting "county" and inserting: "*state or* county".

Amend sec. 23, page 11, line 1, by deleting "*registration.*" and inserting: "*registration and the names of the electors on those affidavits.*".

Amend sec. 29, page 14, between lines 23 and 24, by inserting:

"*6. The county clerk shall, within 5 days after a challenge is filed, mail a notice to the person whose right to vote has been challenged pursuant to this section informing him of the challenge. A copy of the challenge must accompany the notice.*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 753.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1067.

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

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 779.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 797.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1105.

Amend section 1, page 1, line 21, by deleting "*goods,*" and inserting: "*goods or services,*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1103.

Amend sec. 3, page 3, by deleting lines 4 and 5 and inserting:

"*(4) Any other objective factor;*".

Amend sec. 3, page 3, line 11, by deleting "*good*" and inserting "*adequate*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1078.

Amend section 1, page 1, line 2, by deleting "*65*" and inserting "*60*".

Amend sec. 2, page 1, line 14, by deleting "*10*" and inserting "*5*".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 463.

Bill read second time and ordered to third reading.

Senate Bill No. 544.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1102.

Amend section 1, page 1, line 7, after "establish" by inserting "*or maintain*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 546.

Bill read second time and ordered to third reading.

Senate Bill No. 601.

Bill read second time and ordered to third reading.

Senate Bill No. 618.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Joint Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Joint Resolution No. 23 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 23.

Resolution read second time, ordered engrossed and to third reading.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 103.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1125.

Amend section 1, page 1, line 8, by deleting: "*pupils in grades 9 to 12, inclusive.*" and inserting "*pupils.*".

Amend section 1, page 1, line 9, by deleting: "*in grades 9 and 10*".

Amend section 1, page 1, line 10, by deleting: "*pupils in grades 10, 11 and 12.*" and inserting "*pupils.*".

Amend section 1, page 2, by deleting lines 1 through 6.

Amend sec. 2, page 2, by deleting lines 18 through 22 and inserting:

"*(a) Occupational guidance and counseling; and*

*(b) Technology,*

*in accordance with the courses of study adopted by the state board pursuant to sections 5 and 6 of this act.*".

Amend sec. 4, page 2, line 31, by deleting: "5, 6 and 7" and inserting: "5 and 6".

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

Amend sec. 8, page 4, line 1, by deleting: "*5, 6 and 7*" and inserting: "*5 and 6*".

Amend sec. 9, page 4, by deleting lines 6 through 9 and inserting:

"(a) The sum of $100,000 for the purchase of computer equipment for at least 50 rural and urban pilot programs to provide career, education and

labor market information to middle school and high school pupils as they prepare to enter the work force or higher education pursuant to section 5 of this act.".

Amend sec. 9, page 4, by deleting lines 13 through 21.

Amend sec. 9, page 4, line 22, by deleting "3." and inserting "2.".

Amend sec. 9, page 4, line 25, by deleting "4." and inserting "3.".

Amend sec. 9, page 4, by deleting lines 28 through 31.

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 554.

Bill read third time.

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

Amendment No. 1073.

Amend sec. 2, page 2, by deleting lines 35 and 36 and inserting: "*report must identify the employer and be sorted according to the*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 455.

The following Senate amendment was read:

Amendment No. 626.

Amend sec. 5, page 4, between lines 30 and 31 by inserting:

"*4. At least 60 days before any general obligation bonds for a term of more than 10 years are issued pursuant to this section, the board of directors of the district shall publish a notice of the proposed issuance of long-term general obligation bonds in a newspaper of general circulation within the district. The notice must be published at least twice during the first 3 weeks of the 60 days. Each time the notice is published it must be at least as large as one-quarter of a standard sized newspaper page.*".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 455.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 76, 349; Senate Bills Nos. 123, 393, 443, 455, 476, 493, 572, 598; Senate Joint Resolutions Nos. 18, 22.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 8, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 1:03 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND THIRTY-NINTH DAY

CARSON CITY (Saturday), June 8, 1991

Assembly called to order at 8:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ryan Rogers.

Our dear Father in Heaven, we have been assembled here today to pray for Your blessings upon this Assembly. I would just like to ask that the things that are decided here today will be in accordance with Your divine purpose. Father, bless this assembled group. Forgive us when we fall short of Your glory as we pray in Jesus' name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 245, 466, 469, 492, 635, 669, 709, 743, 750, 765.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 114, 201, 279, 284, 429, 521, 567, 655, 667, 706, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 71.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 33, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 226.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 58.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 58:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

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

Assembly in recess at 8:14 a.m.

ASSEMBLY IN SESSION

At 8:27 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Senate Bills Nos. 127, 141, 178, 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Wong.

Roll call on Assembly Bill No. 386:

YEAS—37.

NAYS—Carpenter, Little, Pettyjohn, Spriggs, Stout—5.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 449:

YEAS—42.

NAYS—None.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 592.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 592:

YEAS—42.

NAYS—None.

Assembly Bill No. 592 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 627.

Bill read third time.

Remarks by Assemblymen Anderson and Johnson.

Roll call on Assembly Bill No. 627:

YEAS—42.

NAYS—None.

Assembly Bill No. 627 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 721.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 721:

YEAS—40.

NAYS—Wong.

Not voting—Hardy.

Assembly Bill No. 721 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 779.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 779:

YEAS—41.

NAYS—None.

Not voting—Norton.

Assembly Bill No. 779 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Joint Resolution No. 23:

YEAS—41.

NAYS—None.

Not voting—Scherer.

Assembly Joint Resolution No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 386, 449, 512, 592, 627, 721, 779 and Assembly Joint Resolution No. 23 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Gibbons moved that Senate Bill No. 546 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 35:

YEAS—42.

NAYS—None.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 68.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 68:

YEAS—42.

NAYS—None.

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 173:

YEAS—40.

NAYS—Little, Spriggs—2.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Haller and Sader.

Assemblyman Haller moved that Senate Bill No. 463 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Haller.

Motion carried.

Senate Bill No. 526.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Senate Bill No. 526:

YEAS—42.

NAYS—None.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 601.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 601:

YEAS—42.

NAYS—None.

Senate Bill No. 601 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair

Assembly in recess at 9:06 a.m.

## ASSEMBLY IN SESSION

At 9:14 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 471, 787, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 198, 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 730, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Concurrent Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 471, 730, 787; Senate Bills Nos. 7, 127, 141, 178 and 445 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 198 and 268 be placed on the General File.

Motion carried.

Assembly Concurrent Resolution No. 30.

Resolution read.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1153.

Amend the resolution, page 2, by deleting lines 4 through 41 and inserting:

"CURRING, That the Legislature hereby directs the Department of Education and the board of trustees of each school district to submit a report of the progress and effect of the course of instruction concerning human sexuality, the prevention of acquired immune deficiency syndrome (AIDS) and sexually transmitted diseases, and related issues in each district; and be it further

RESOLVED, That the report should include a description of the classes or other instruction currently offered about human sexuality and related issues; and be it further

RESOLVED, That the Department of Education and the board of trustees of each county school district are directed to submit its report, with any recommended policies, programs and proposed legislation, to the Director of the Legislative Counsel Bureau on or before January 18, 1993, for transmittal to the 67th session of the Nevada Legislature; and be it further

RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the Superintendent of Public Instruction and to the board of trustees of each county school district in Nevada.".

Amend the preamble of the resolution, pages 1 and 2, by deleting lines 1 through 28 on page 1 and lines 1 and 2 on page 2 and inserting:

"WHEREAS, In 1987 the Nevada Legislature enacted the provision now codified in NRS 389.065 which requires each school district to establish a course or unit of a course of instruction concerning acquired immune deficiency syndrome, the human reproductive system, related communicable diseases and sexual responsibility; and

WHEREAS, The progress and effect of those courses is of continuing interest to the Nevada Legislature; now, therefore, be it".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Directing the Department of Education and local school districts to report on progress and effect of certain required course of instruction.".

Amend the summary of the resolution to read as follows:

"Summary—Requires report on progress and effect of certain required course of instruction. (BDR R-396)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Concurrent Committee on Education.

Assembly Concurrent Resolution No. 72.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1066.

Amend the resolution, page 2, between lines 42 and 43, by inserting:

"RESOLVED, That the Legislative Counsel is hereby directed to take all actions necessary to complete 1,000 bill drafts before the first day of the 1993 legislative session; and be it further

RESOLVED, That the Legislative Commission and the Committee to Consult with the Legislative Counsel are directed to take all actions necessary to allow the legal division of the Legislative Counsel Bureau to achieve the goal of completing 1,000 bill drafts before the first day of the 1993 legislative session; and be it further".

Amend the preamble of the resolution, page 1, line 4, by deleting "now," and inserting: "and

WHEREAS, The requirement adopted by the 65th session of the Nevada Legislature that the Legislative Counsel, the Legislative Commission and the Committee to Consult with the Legislative Counsel take all actions necessary to ensure that 1,000 bill drafts were completed before the first day of the 66th session substantially increased the number of bill drafts ready for consideration on the first day of the 66th session and helped to expedite the work of the 66th session; now,".

Amend the title of the resolution, second line, by deleting "drafting." and inserting: "drafting and directing the Legislative Commission, the Committee to Consult with the Legislative Counsel, and the Legislative Counsel to take all actions necessary to ensure that 1,000 bill drafts are completed before the first day of the 67th session of the Nevada Legislature.".

Amend the summary of the resolution, second line, by deleting "drafting." and inserting: "drafting and directs Legislative Counsel, Legislative Commission and Committee to Consult with the Legislative Counsel to take all actions necessary to ensure 1,000 bill drafts are completed before 67th session of Nevada Legislature.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted and engrossed.

## SECOND READING AND AMENDMENT

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1118.

Amend sec. 5, page 2, line 47, after "341.145," by inserting "NRS."

Amend sec. 6, page 3, line 27, by deleting "$500,000." and inserting "$250,000.".

Amend sec. 7, page 3, line 28, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 730.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1144.

Amend section 1, page 1, line 14, after "*benefit*" by inserting: "*sought or obtained*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:26 a.m.

## ASSEMBLY IN SESSION

At 9:38 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### SECOND READING AND AMENDMENT

Assembly Bill No. 787.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1148.

Amend section 1, page 1, line 8, by deleting "5," and inserting: "5 [,] *and NRS 213.133,*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 7.

Bill read second time.

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

Amendment No. 1075.

Amend sec. 2, page 3, line 4, by deleting "34," and inserting "24,".

Amend sec. 5, page 3, line 16, after "*certificate*" by inserting: ", *upon a standard form established by the system for that purpose,*".

Amend sec. 9, page 4, line 4, after "*physician*" by inserting "*or chiropractor*".

Amend sec. 9, page 4, line 5, after "*physician*" by inserting "*or chiropractor*".

Amend sec. 9, page 4, line 6, before "*unless*" by inserting: ", *including an interest as a limited partner,*".

Amend sec. 9, page 4, line 7, after the period, by inserting: "*Upon the request of an injured employee to whom such a disclosure is made, the physician or chiropractor shall provide the injured employee with a referral to a health facility or service in which the physician or chiropractor does not have a financial interest.*".

Amend sec. 10, page 4, by deleting lines 14 through 17 and inserting:

"Sec. 10. *1. The administrator shall appoint a panel to determine if an injured employee may be referred for treatment outside Nevada. The panel must be composed of:*

*(a) An orthopedic surgeon appointed from a list submitted by the Nevada Orthopaedic Society;*

*(b) A neurosurgeon appointed from a list submitted by the Neurosurgical Society of Nevada;*

*(c) A person representing the panels established pursuant to NRS 616.190;*

*(d) A chiropractor appointed from a list submitted by the Nevada State Chiropractic Association; and*

*(e) Any other physician appointed from a list submitted by the Nevada State Medical Association because of his specialty.*

*2. Upon receipt of a request for treatment outside Nevada, the administrator shall select three members of the panel to review the request and make a determination. The administrator shall select members of the panel whose specialties are related most directly to the problem presented.*

*3. The selected members of the panel shall make a determination within 30 days after receipt of the request or within a shorter time specified by the administrator in the case of an emergency. The members shall consider:*

*(a) The reasonableness of the request;*

*(b) The availability of the required treatment in Nevada;*

*(c) The expertise of physicians or chiropractors in Nevada compared to the expertise of physicians or chiropractors in other states;*

*(d) The location of the family of the injured employee; and*

*(e) Any other factor necessary to review the request.*".

Amend sec. 11, page 4, by deleting lines 18 through 26 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 12, page 4, line 31, by deleting "*system.*" and inserting "*administrator.*".

Amend sec. 16, page 5, by deleting lines 30 through 34 and inserting:

"*2. Except as otherwise provided in subsection 3, a self-insured employer shall not enter into a contract with any person for the administration of any part*".

Amend sec. 16, page 5, between lines 37 and 38, by inserting:

"*3. The commissioner may, under exceptional circumstances, waive the requirements of subsection 2.*".

Amend sec. 17, page 5, line 39, by deleting "*$500*" and inserting "*$1,000*".

Amend sec. 17, page 5, line 41, by deleting "*Intentionally fails*" and inserting "*Fails*".

Amend sec. 19, page 6, by deleting lines 1 through 19 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 20, page 6, line 20, by deleting "*safety committee*" and inserting: "*written safety program*".

Amend sec. 20, pages 6 and 7, by deleting lines 26 through 48 on page 6 and lines 1 through 12 on page 7, and inserting:

"2. *The written safety program must include:*

*(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries.*

*(b) The establishment of a safety committee which includes, whenever possible, an equal number of representatives of employees and employers. The representatives of employees must be selected by the employees and not appointed by the employer.*

*(c) Training on identifying potential hazards in the workplace.*

*(d) The review and application of state and federal statutes, regulations and standards concerning occupational safety and health.*

*(e) A requirement for the periodic consultation of the employer with the division of industrial safety and health enforcement of the department.*".

Amend sec. 20, page 7, line 13, by deleting "*7.*" and inserting "*3.*".

Amend sec. 20, page 7, by deleting line 17 and inserting:

"*4. The administrator of the division of preventative safety of the department shall develop*".

Amend sec. 20, page 7, by deleting lines 24 through 34 and inserting:

"*5. Any other employer may establish a written safety program and a safety committee.*

*6. An employer who employs 25 or more persons and who hires temporary employees shall hold a meeting and provide specialized training concerning safety for those temporary employees before they begin work at each site or as soon as possible thereafter.*

7. The manager shall increase by 3 percent the premium of any employer who violates the provisions of subsection 1, and shall transfer any additional premium received by him pursuant to this subsection to the department for use by the division of preventative safety.".

Amend sec. 20, page 7, line 35, by deleting "*11.*" and inserting "*8.*".

Amend sec. 22, page 8, by deleting lines 4 through 7 and inserting:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 24, page 8, by deleting lines 12 through 16 and inserting:

"Sec. 24. *1. A hearing officer or appeals officer shall not order self-employment for an injured employee or the payment of compensation in a lump sum for vocational rehabilitation.*

*2. An insurer and an injured employee may execute an agreement concerning self-employment.*".

Amend the bill as a whole by deleting sections 25 through 34 and inserting:

"Secs. 25-34. (Deleted by amendment.)".

Amend sec. 36, page 11, line 11, by deleting "*any*".

Amend sec. 36, page 11, line 12, by deleting: "*is exposed to*" and inserting "*contracts*".

Amend sec. 36, page 11, by deleting line 13 and inserting: "*working in the course and scope of his employment.*".

Amend sec. 39, page 12, line 15, by deleting the period and inserting: "[.] *for the purposes of this chapter.*".

Amend sec. 40, page 12, line 32, by deleting: "*exposure of an employee to*" and inserting: "*contracting by an employee of*".

Amend sec. 40, page 12, line 33, by deleting "*responding*" and inserting "*working*".

Amend sec. 40, page 12, line 34, by deleting: "*to an emergency*".

Amend the bill as a whole by deleting sections 41 through 45 and inserting:

"Secs. 41-45. (Deleted by amendment.)".

Amend sec. 46, page 14, line 39, by deleting: "*sections 22 and*" and inserting "*section*".

Amend sec. 46, page 14, by deleting line 41 and inserting: "4. The Nevada attorney for injured workers is responsi-".

Amend sec. 46, page 14, between lines 43 and 44, by inserting:

"*5. The division of industrial insurance regulation is responsible for the investigation of complaints from injured employees only as provided by specific statute. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.*".

Amend sec. 47, pages 14 and 15, by deleting lines 44 through 46 on page 14 and lines 1 through 17 on page 15 and inserting:

"Sec. 47. (Deleted by amendment.)".

Amend sec. 48.7, pages 15 and 16, by deleting lines 46 through 48 on page 15 and lines 1 through 17 on page 16 and inserting:

"Sec. 48.7. (Deleted by amendment.)".

Amend sec. 49, page 16, line 21, after "or" by inserting "other".

Amend sec. 49, page 16, by deleting lines 29 through 34 and inserting: "3. Any employee eligible for".

Amend sec. 49, page 16, line 38, by deleting "*5.*" and inserting "*4.*".

Amend sec. 49, page 16, line 42, by deleting "*6.*" and inserting "*5.*".

Amend sec. 49, page 16, line 45, by deleting "*reopen*" and inserting "*reinstate*".

Amend sec. 49, page 16, line 46, by deleting "*reopen*" and inserting "*reinstate*".

Amend the bill as a whole by deleting sections 50 through 54 and inserting:

"Secs. 50-54. (Deleted by amendment.)".

Amend sec. 55, page 18, by deleting lines 15 and 16 and inserting:

"616.2537 1. [The] *Except as otherwise provided in subsection 3, the* Nevada attorney for injured workers shall, when appointed by".

Amend sec. 55, page 18, by deleting line 19 and inserting: "addition, the Nevada attorney for injured workers may give".

Amend sec. 55, page 18, by deleting lines 22 and 23 and inserting:

"2. When representing a claimant, the Nevada attorney for injured workers shall:".

Amend sec. 55, page 18, lines 27 and 28, by deleting: "[state industrial claimants'] *injured workers'* attorney," and inserting: "Nevada attorney for injured workers,".

Amend sec. 55, page 18, line 29, by deleting: "*injured workers' attorney*" and inserting: "*Nevada attorney for injured workers*".

Amend sec. 55, page 18, line 32, by deleting: "*injured workers' attorney*" and inserting: "*Nevada attorney for injured workers*".

Amend sec. 56, page 18, by deleting lines 34 through 46 and inserting:

"Sec. 56. (Deleted by amendment.)".

Amend sec. 57, page 19, by deleting lines 1 through 15 and inserting:

"616.294 1. The commissioner may impose an administrative fine, not to exceed [$500] *$1,000* for each violation, and [may] *:*

*(a) Shall* withdraw the certification of a self-insured employer if:

[(a)] *(1)* The deposit required pursuant to NRS 616.291 is not sufficient and the employer fails to increase the deposit after he has been ordered to do so by the commissioner;

[(b)] *or*

*(2)* The self-insured employer fails to provide evidence of excess insurance pursuant to NRS 616.291 within 45 days after he has been so ordered . [;

(c)] *(b) May withdraw the certification of a self-insured employer if:*

*(1)* The employer intentionally fails to comply with regulations of the commissioner regarding reports or other requirements necessary to carry out the purposes of this chapter; [or

(d)] *(2) The employer violates the provisions of subsection 2 of section 16 of this act or any regulation adopted by the commissioner or the administrator concerning the administration of the employer's plan of self-insurance; or*

*(3)* The employer becomes insolvent, institutes any voluntary proceeding".

Amend sec. 58, page 19, by deleting lines 38 through 43 and inserting:

"*(a) Postmarked within 6 working days after the notice pursuant to subsection 2;*

*(b) Signed by the employer or his designee; and*".

Amend sec. 59, page 20, line 16, by deleting "[90] *60*" and inserting "90".

Amend sec. 59, page 20, line 17, by deleting "*7*" and inserting "*10*".

Amend sec. 59, page 20, line 19, by deleting "*7*" and inserting "*10*".

Amend sec. 60, page 20, by deleting line 39 and inserting: "*within 6 working days after the examination of the employee.*".

Amend sec. 62, page 21, by deleting lines 19 through 22 and inserting:

"(a) *Filing a claim for compensation with the system;*".

Amend sec. 62, page 21, line 23, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 62, page 21, line 25, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 62, page 21, by deleting lines 32 through 40 and inserting:

"*3. For the purposes of this section, the employer has the burden of proving that he provided mandatory industrial insurance coverage for the employee.*".

Amend sec. 62, page 22, by deleting lines 15 and 16 and inserting:

"*6. The division shall determine whether the employer was insured within 30 days after receiving notice of the claim*".

Amend sec. 62, page 22, by deleting lines 28 through 31 and inserting "*inclusive.*".

Amend sec. 62, page 22, by deleting lines 36 through 46.

Amend sec. 62, page 22, line 47, by deleting "*10.*" and inserting "*9.*".

Amend sec. 62, page 23, line 6, by deleting "*11.*" and inserting "*10.*".

Amend sec. 62, page 23, lines 10 and 11, by deleting: "*of $90 per hour.*" and inserting: "*established by regulations adopted by the department.*".

Amend sec. 62, page 23, by deleting lines 14 through 22.

Amend sec. 63.5, page 24, by deleting line 30 and inserting "[$24,000.] *$36,000.*".

Amend sec. 65, page 26, by deleting lines 13 and 14 and inserting:

"*4. Every employer who provides accident benefits pursuant to this section:*

*(a) Shall, in accordance with regulations adopted by the administrator, make a*".

Amend sec. 65, page 26, between lines 17 and 18, by inserting:

"*(b) Shall be deemed to be an insurer for the purposes of assessments collected pursuant to NRS 232.680 and the regulations adopted by the department pursuant to that section.*".

Amend sec. 66, page 26, line 47, by deleting the comma.

Amend sec. 66, pages 26 and 27, by deleting line 48 on page 26 and lines 1 through 3 on page 27, and inserting: "and the administration of regulations for safety of employees.".

Amend sec. 67, page 27, line 36, by deleting "12" and inserting "6".

Amend sec. 67, page 27, line 39, by deleting "1987.] ," and inserting "1986.]".

Amend sec. 67, page 27, line 40, by deleting "*that guide*" and inserting: "*the American Medical Association's Guides to the Evaluation of Permanent Impairment*".

Amend sec. 67, page 27, by deleting lines 42 and 43 and inserting: "*necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.*".

Amend sec. 67, page 28, line 6, by inserting an italicized period after "fund".

Amend sec. 67, page 28, line 7, by deleting "made." and inserting: "made.] The administrator shall notify the insurer of his decision on such a claim within 90 days after the claim is received.".

Amend sec. 67, page 28, by deleting lines 9 through 11 and inserting: "quent injury fund must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.".

Amend sec. 68, page 28, line 15, by deleting "[30] *21*" and inserting "30".

Amend sec. 68, page 28, line 30, by deleting "[90] *60*" and inserting "90".

Amend sec. 68, page 29, line 9, by deleting "90" and inserting "[90] *75*".

Amend sec. 69, pages 29 and 30, by deleting lines 10 through 48 on page 29 and lines 1 through 10 on page 30 and inserting:

"Sec. 69. (Deleted by amendment.)".

Amend sec. 71, page 30, by deleting lines 26 through 34 and inserting:

"2. A person who is aggrieved by:

(a) A *written* determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must be filed within 60 days after the date on which the notice of its determination was mailed by the insurer or the unanswered written request was mailed to the insurer, as applicable. Except as otherwise provided in subsection 7 of NRS 616.500, the failure of an insurer to respond to a written request *for a determination within 30 days after receipt of such a request* shall be deemed by the hearing officer to be a denial of the request.

3. Failure to file a request for a hearing within the period specified in subsection 2 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

4. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.".

Amend sec. 72, page 30, line 38, by deleting "request; and" and inserting "request; [and]".

Amend sec. 72, pages 30 and 31, by deleting lines 40 through 48 on page 30 and lines 1 and 2 on page 31 and inserting: "the hearing at least 15 days before the date and time scheduled [.] *; and*

*(c) Conduct hearings expeditiously and informally.*

*2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada attorney for injured workers.*".

Amend sec. 72, page 31, line 3, by deleting "*4.*" and inserting "*3.*".

Amend sec. 72, page 31, by deleting line 10 and inserting:

"[3.] *4. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.*

*5.* The hearing officer shall".

Amend the bill as a whole by deleting sections 74 and 75 and inserting: "Secs. 74-75. (Deleted by amendment.)".

Amend sec. 76, page 33, by deleting lines 17 through 23 and inserting: "such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his".

Amend sec. 77, page 34, by deleting lines 10 through 35 and inserting: "Sec. 77. (Deleted by amendment.)".

Amend sec. 78, page 34, line 41, by deleting the period and inserting: "[.] *, whether by alcohol or a controlled substance.*".

Amend sec. 78, page 35, by deleting lines 6 and 7.

Amend sec. 79, page 35, by deleting line 12 and inserting: "*claim* to the claimant by [United States] *first-class* mail".

Amend sec. 79, page 35, line 13, by deleting "*requested,*".

Amend sec. 79, page 35, line 16, by deleting "[60] *45*" and inserting "60".

Amend sec. 79, page 35, line 21, by deleting "[60] *45*" and inserting "60".

Amend sec. 79, page 35, between lines 23 and 24, by inserting:

"*3. Notwithstanding the provisions of NRS 233B.125, in any hearing conducted pursuant to this section, the decision of the hearing officer may be served by first-class mail.*".

Amend sec. 80, page 35, line 29, after "2." by inserting: "*If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial report of injury.*

*3.*".

Amend sec. 80, page 35, line 31, by deleting "3." and inserting "[3.] *4.*".

Amend sec. 80, page 35, line 35, by deleting "*4.*" and inserting "*5.*".

Amend sec. 80, page 35, by deleting line 39 and inserting: "*6. The insurer shall issue to the injured employee, not less*".

Amend sec. 80, page 35, line 40, by deleting "*3*" and inserting "*6*".

Amend sec. 80, page 35, by deleting lines 44 and 45 and inserting:

"*(b) There is documentation with the insurer which indicates a continuing disability.*".

Amend sec. 81, page 36, line 10, by deleting "1985." and inserting "1986.".

Amend sec. 82, page 37, by deleting lines 1 and 2 and inserting: "*employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with a rating physician*".

Amend sec. 82, page 37, line 8, after "616.427.", by inserting: "*Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the administrator, according to the order in which their names appear on the list.*".

Amend sec. 82, page 37, by deleting line 14 and inserting: "*shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:*".

Amend sec. 82, page 37, by deleting lines 17 through 21.

Amend sec. 82, page 37, line 22, by deleting "*6.*" and inserting "*5.*".

Amend sec. 82, page 37, line 29, by deleting "*7.*" and inserting "*6.*".

Amend sec. 82, page 37, line 31, by deleting "*8.*" and inserting "*7.*".

Amend sec. 82, page 37, line 36, by deleting "*9.*" and inserting "*8.*".

Amend sec. 82, page 37, line 39, by deleting "*10.*" and inserting "*9.*".

Amend sec. 82, page 37, line 42, by deleting "*11.*" and inserting "*10.*".

Amend sec. 83, page 38, by deleting line 28 and inserting:

"(b) Any counseling, training or other rehabilitative services provided by the".

Amend sec. 83, page 38, line 47, by deleting "*6*" and inserting "*5*".

Amend sec. 84, page 39, line 8, by deleting "*knowingly*".

Amend sec. 87, pages 40 and 41, by deleting lines 18 through 48 on page 40 and lines 1 through 4 on page 41 and inserting:

"616.647 1. If the administrator has reason to believe that an insurer , *health care provider, third-party administrator* or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with regulations of the department for the acceptance and rejection of claims, determination and calculation of a claimant's average monthly wage, determination and payment of compensation, delivery of accident benefits and reporting relating to these matters; or

(h) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS,

the administrator shall set a date for a hearing. The date must be no sooner than 30 days after notice is served upon the insurer or employer of the alleged action and the time and place of the hearing.

2. If, after an evidentiary hearing, the administrator determines that the insurer or employer has committed the alleged act, the administrator may [impose an] *issue a notice of violation imposing*".

Amend sec. 87, page 41, by deleting lines 13 through 36 and inserting:

"*3. In addition to any fine imposed pursuant to subsection 2, the administrator may assess against an insurer who violates any regulation concern-*

*ing the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.*".

Amend sec. 87, page 41, line 37, by deleting "*7.*" and inserting "*4.*".

Amend sec. 87, page 41, by deleting line 41 and inserting:

"*5. If a notice of appeal is filed as required by subsection 4, the administra-*".

Amend sec. 87, page 42, line 3, by deleting "*9.*" and inserting "*6.*".

Amend sec. 87, page 42, line 6, by deleting "*10.*" and inserting "*7.*".

Amend sec. 87, page 42, line 11, by deleting "*11.*" and inserting "*8.*".

Amend sec. 87, page 42, by deleting lines 19 through 21 and inserting:

"*9.* Two or more fines of $1,000 levied by the administrator in 1 year for acts enumerated in subsection 1 must be considered by the commis-".

Amend sec. 87, page 42, line 24, by deleting "*13.*" and inserting "*10.*".

Amend sec. 87, page 42, by deleting lines 31 and 32.

Amend sec. 90, page 43, line 2, after the semicolon, by inserting "*and*".

Amend sec. 90, page 43, by deleting lines 4 through 6 and inserting "*independent enterprise.*".

Amend sec. 91, page 43, by deleting lines 13 through 15 and inserting:

"Sec. 91. (Deleted by amendment.)".

Amend sec. 92, page 43, by deleting lines 16 through 28 and inserting:

"Sec. 92. *1. An illness related to stress is an occupational disease and is compensable as such when contracted by an employee and when arising out of and in the course of the employment.*

*2. An illness related to stress shall be deemed to arise out of and in the course of the employment only if, in addition to the factors set forth in subsection 1 of NRS 617.440, the employee proves by competent medical or psychiatric evidence that:*

*(a) He has an illness related to stress;*

*(b) The conditions at his place of employment were the primary cause of the illness; and*

*(c) The illness was not caused by his layoff, termination of his employment or disciplinary action taken against him.*

*3. As used in this section "illness related to stress" means a mental disorder resulting from mental stress.*".

Amend sec. 93, page 43, line 33, by deleting the period and inserting: "[.] *for the purposes of this chapter.*".

Amend sec. 94, page 43, by deleting lines 41 through 44 and inserting:

"(a) *Filing a claim for compensation with the system;*".

Amend sec. 94, page 43, line 45, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 94, page 43, line 47, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 94, page 44, by deleting lines 9 through 17 and inserting:

"*3. For the purposes of this section, the employer has the burden of proving that he provided mandatory coverage for occupational diseases for the employee.*".

Amend sec. 94, page 44, by deleting lines 40 and 41 and inserting:

"*6. The division shall determine whether the employer was insured within 30 days after receiving notice of the claim*".

Amend sec. 94, page 45, by deleting lines 6 through 10 and inserting "*inclusive.*".

Amend sec. 94, page 45, by deleting lines 15 through 25.

Amend sec. 94, page 45, line 26, by deleting "*10.*" and inserting "*9.*".

Amend sec. 94, page 45, line 33, by deleting "*11.*" and inserting "*10.*".

Amend sec. 94, page 45, lines 37 and 38, by deleting: "*of $90 per hour.*" and inserting: "*established by regulations adopted by the department.*".

Amend sec. 94, pages 45 and 46, by deleting lines 41 through 47 on page 45 and lines 1 and 2 on page 46.

Amend sec. 95, page 46, line 9, by deleting "1985.]" and inserting "1986.]".

Amend sec. 95, page 46, line 20, by deleting "1985.]" and inserting "1986.]".

Amend sec. 98, page 46, lines 33 and 34, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend sec. 98, page 46, line 37, after the semicolon, by inserting "*and*".

Amend sec. 98, page 46, by deleting lines 39 through 44 and inserting: "*ers on measures to promote occupational safety and health.*".

Amend sec. 99, page 46, line 47, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend sec. 100, page 47, line 7, after "*document*" by inserting "*or videotape*".

Amend sec. 100, page 47, line 8, by deleting "*document*" and inserting: "*document, or evidence of receipt of the videotape,*".

Amend sec. 100, page 47, line 10, after "*document*" by inserting "*or videotape*".

Amend sec. 100, page 47, lines 12 and 13, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend sec. 101, page 47, by deleting lines 16 through 18 and inserting: "Sec. 101. (Deleted by amendment.)".

Amend sec. 102, page 47, by deleting line 19 and inserting:

"Sec. 102. *1. Any accident occurring in the course of employment which is*".

Amend sec. 102, page 47, between lines 23 and 24, by inserting:

"*2. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.*

*3. The division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as he may from time to time require.*

*4. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the division.*".

Amend sec. 103, page 47, by deleting lines 25 through 27 and inserting:

"618.029 "Administrator" means the administrator of the division . [of occupational safety and health of the department of industrial relations.]".

Amend the bill as a whole by deleting sections 104 and 105 and inserting:

"Secs. 104 and 105. (Deleted by amendment.)".

Amend sec. 106, page 47, by deleting lines 35 through 37 and inserting:

"618.069 "Division" means the division of [occupational] *industrial* safety and health *enforcement* of the department of industrial relations.".

Amend sec. 107, page 47, line 40, by deleting: "*occupational safety and health,*" and inserting "*industrial relations,*".

Amend sec. 107, page 48, by deleting lines 9 through 20 and inserting:

"2. *The department shall allocate to the division of preventative safety the money necessary to carry out the educational and informational programs required by this section.*".

Amend sec. 108, page 48, lines 23 and 24, by deleting: "*Regulatory Safety and*" and inserting: "*Industrial Safety and Health*".

Amend the bill as a whole by deleting sections 109 and 110 and inserting:

"Secs. 109 and 110. (Deleted by amendment.)".

Amend sec. 111, page 49, lines 31 and 32, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend sec. 111, page 49, line 40, by deleting "3.[Any" and inserting "[3.Any".

Amend sec. 111, page 49, line 44, by deleting the bracket.

Amend sec. 111, page 50, line 1, by deleting "[5.] *4.*" and inserting "5.".

Amend sec. 111, page 50, line 4, by deleting "[6.] *5.*" and inserting "6.".

Amend sec. 111, page 50, line 7, after "division." by inserting a closed bracket.

Amend sec. 113, page 51, by deleting lines 1 and 2.

Amend the bill as a whole by deleting sections 114 through 122 and inserting:

"Secs. 114-122. (Deleted by amendment.)".

Amend sec. 123, page 53, by deleting line 4 and inserting:

"Sec. 123. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

*The director of the department of industrial relations may enter into cooperative agreements with any*".

Amend sec. 124, page 53, by deleting lines 9 through 12 and inserting:

"Sec. 124. (Deleted by amendment.)".

Amend sec. 125, page 53, by deleting lines 17 through 19 and inserting:

"(b) The division of [occupational] *industrial* safety and health [.] *enforcement.*

(c) The division of mine inspection.

(d) The division of industrial insurance regulation.

*(e) The division of preventative safety.*".

Amend sec. 126, page 53, line 26, by deleting the bracket.

Amend sec. 126, page 53, by deleting line 29 and inserting: "tions regarding the complaints or the records to the director.

*3. The council, by the*".

Amend sec. 127, pages 53 and 54, by deleting lines 41 through 47 on page 53 and lines 1 through 4 on page 54 and inserting:

"(b) The administrator of the division of [occupational] *industrial* safety and health [.] *enforcement.*

(c) The administrator of the division of mine inspection.

(d) The administrator of the division of industrial insurance regulation.

*(e) The administrator of the division of preventative safety.*

2. Is responsible for the administration, through the divisions of the department, of the provisions of chapters 512, 616, 617 and 618 of NRS, and all other provisions of law relating to the functions of the divisions of the department.

3. Has such other powers and duties as are provided by law.".

Amend sec. 128, page 54, by deleting line 8 and inserting: "*for* the department.".

Amend sec. 128, page 54, by deleting line 12 and inserting "industrial relations.".

Amend sec. 128, page 54, by deleting line 18 and inserting: "labor and industrial relations, except.".

Amend sec. 129, page 54, by deleting lines 40 through 42 and inserting: "trial insurance regulation, the division of administrative services, the division of [occupational] *industrial* safety and health *enforcement, the division of preventative safety* and the division of mine inspection, including the costs of the office and staff of the director.".

Amend sec. 129, page 55, by deleting lines 1 through 3.

Amend sec. 130, page 55, lines 26 and 27, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend sec. 131, page 56, lines 5 and 6, by deleting: "*occupational safety and health*" and inserting "*industrial relations*".

Amend secs. 132-134, page 56, line 7, by deleting: "Secs. 132-134." and inserting: "Secs. 132-135.".

Amend the bill as a whole by deleting sec. 135.

Amend sec. 136, page 56, by deleting lines 13 and 14 and inserting:

"590.645 The division of [occupational] *industrial* safety and health *enforcement* of the department of industrial relations may promote safety in the liquefied".

Amend sec. 139, page 57, line 44, by deleting the comma and inserting "and".

Amend sec. 139, page 57, by deleting lines 45 through 47 and inserting "employees.".

Amend sec. 139.5, page 58, by deleting lines 11 through 19 and inserting:

"Sec. 139.5. (Deleted by amendment.)".

Amend sec. 141, page 58, by deleting lines 21 through 27 and inserting:

"Sec. 141. (Deleted by amendment.)".

Amend sec. 142, page 58, by deleting lines 28 through 33 and inserting:

"Sec. 142. 1. This section and sections 1 to 15, inclusive, 17 to 48.3, inclusive, 55, 57, 61, 62, 63, 64, 65, 66, 70, 72 to 79, inclusive, 81, and 84 to 140, inclusive, of this act become effective upon passage and approval.

2. Section 67 of this act becomes effective at 12:01 a.m. on July 1, 1991.

3. Section 16 of this act becomes effective on October 1, 1991.

4. Sections 63.5 and 68 become effective on July 1, 1992.

5. Sections 49, 58, 59, 60, 71, 80, 82 and 83 of this act become effective on March 1, 1993.".

Amend the title of the bill by deleting the 8th through the 14th lines and inserting: "stress may be compensated as an occupational disease; eliminating the division of occupational safety and health of the department of industrial relations; creating new divisions within the department; making various changes relating to rights, duties and procedures".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Wong.

Amendment adopted.

Assemblyman Giunchigliani moved that Senate Bill No. 7 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, re-engrossed and to the Committee on Labor and Management.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

Senate Bill No. 141.

Bill read second time and ordered to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

WENDELL P. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 2, 457, 528, 615, 622.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 339, 342, 502, 516, 547, 609, 614.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 339.

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

Motion carried.

Senate Bill No. 342.

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

Motion carried.

Senate Bill No. 457.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 502.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 516.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 528.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 547.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 609.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 614.

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

Motion carried.

Senate Bill No. 615.

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

Motion carried.

Senate Bill No. 622.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 618.

Bill read third time.

Remarks by Assemblymen Bennett, Evans and Anderson.

Conflict of interest declared by Assemblyman Anderson.

Roll call on Senate Bill No. 618:

YEAS—30.

NAYS—None.

Absent—Mr. Speaker.

Not voting—Anderson, Arberry, Bache, Elliott, Garner, Giunchigliani, Goetting, Humke, Sader, Scherer, Wendell Williams—11.

Senate Bill No. 618 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1149.

Amend sec. 2, page 1, lines 17 and 18, by deleting: "*community and nontransient water systems.*" and inserting: "*certain purveyors of water.*".

Amend sec. 9, page 3, line 9, by deleting "*The*" and inserting:

"*1. The provisions of NRS 349.150 to 349.364, inclusive, which are not inconsistent with the provisions of sections 2 to 9, inclusive, of this act, apply to the bonds issued pursuant to section 8 of this act.*

*2. The*".

Amend sec. 9, page 3, line 11, after "*pursuant to*" by inserting: "*section 8 of*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 268.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1123.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 3, to read as follows:

"Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

*The state board in cooperation with the board of trustees of the various county school districts shall develop for pupils in the first through eighth grades:*

*1. Programs designed to reduce the number of pupils who drop out of school; and*

*2. Programs for the prevention of the abuse of alcohol and controlled substances.*

Sec. 2. The money specifically appropriated for school improvement by the legislature to the department of education for the fiscal years 1991-92 and 1992-93 must be distributed by the department to the local school districts for the payment of:

1. The salaries and related benefits of the additional counselors employed by the districts for the 1991-92 and 1992-93 school years to assist in the programs developed pursuant to section 1 of this act; and

2. Any costs of certification of those counselors by the bureau of alcohol and drug abuse of the department of human resources.

Sec. 3. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to public schools; providing for the development of programs to aid certain pupils at risk of dropping out of school and to prevent substance abuse; limiting the use of a specific appropriation to the department of education; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for development of programs to aid certain pupils at risk of dropping out of school and to prevent substance abuse. (BDR 34-253)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Joint Resolution No. 28 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Concurrent Resolution No. 80.

Resolution read.

The following amendment was proposed by the Committee on Education:

Amendment No. 1150.

Amend the resolution, page 1, by deleting lines 14 through 16 and inserting: "conduct a study of whether requiring attendance in kindergarten for all children of the appropriate age is desirable or feasible; and be it further

RESOLVED, That the Governor hold public hearings throughout the state to facilitate open discussions among parents, teachers, administrators and all other interested persons regarding whether mandatory kindergarten attendance is desirable or feasible for all children or children at risk of failure in school; and be it further

RESOLVED, That the Governor submit a report of the findings from his study to the Director of the Legislative Counsel Bureau for transmittal to the 67th session of the Nevada Legislature, together with any recommendations for legislation; and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 11 and inserting:

"WHEREAS, The Governors in the United States have established the goal that by the year 2000 all children in America will begin school ready to learn; and

WHEREAS, In Nevada, many children are at risk of not succeeding in school; and

WHEREAS, It is timely for the residents of Nevada to determine whether making attendance in kindergarten mandatory throughout the state is desirable; now, therefore, be it".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Urging the Governor to conduct a statewide study of whether establishing mandatory kindergarten in Nevada is desirable or feasible.".

Amend the summary of the resolution to read as follows:

"Summary—Urges Governor to conduct study of whether mandatory kindergarten is desirable or feasible. (BDR R-2201)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Resolution ordered reprinted and engrossed.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 28.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1101.

Amend the resolution, page 1, by deleting lines 23 through 25 and inserting:

"JOINTLY, That Congress is hereby urged to review the funding for the management of public lands and the protection of the habitat of wild horses and burros and to provide a pro rata distribution of money that is based on the population of the herds of wild horses and burros in each state; and be it further

RESOLVED, That the Secretary of the Department of Agriculture and the Secretary of the Department of the Interior recognize that the commission for the preservation of wild horses is a state agency for the purposes of the Wild Free-Roaming Horses and Burros Act of 1971; and be it further".

Amend the resolution, page 2, line 3, by deleting "Representatives" and inserting: "Representatives, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture".

Amend the preamble of the resolution, page 1, line 2, by deleting "et." and inserting "et".

Amend the preamble of the resolution, page 1, line 7, by deleting "75" and inserting "65".

Amend the preamble of the resolution, page 1, by deleting lines 8 through 21 and inserting: "States are in Nevada and the population of the wild horses and burros is increasing at a rate of approximately 18 percent a year; and

WHEREAS, The Bureau of Land Management in Nevada receives less than 16 percent of the budget of the Department of the Interior for the management of public lands and for the protection of the habitat of the herds of wild horses and burros; and

WHEREAS, Because of the inadequate funding, federal agencies have not been able to gather the data that is required to establish a thriving natural ecological balance on the public lands; and

WHEREAS, One of the provisions of the Wild Free-Roaming Horses and Burros Act of 1971 (16 U.S.C. § 1333(b)(1)) requires the Secretary of the Department of Agriculture and the Secretary of the Department of the Interior to consult with the wildlife agencies of the states; and

WHEREAS, Pursuant to NRS 504.470, the primary duty of the state commission for the preservation of wild horses is to preserve the herds of wild horses in Nevada; and

WHEREAS, The federal agencies that consult with the department of wildlife have acknowledged that the commission for the preservation of wild horses is a state agency pursuant to the provisions of the Wild Free-Roaming Horses and Burros Act of 1971 (16 U.S.C. §§ 1331 et seq.); now, therefore, be it".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Urging Congress to allocate money for the management of public lands and the protection of the habitat of wild horses and burros based on the population of the herds of wild horses and burros in each state.".

Amend the summary of the resolution to read as follows:

"Summary—Urges Congress to allocate money for management of wild horses and burros based on population of herds of wild horses and burros in each state. (BDR R-1150)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 423.

The following Senate amendments were read:

Amendment No. 970.

Amend sec. 8, page 4, line 39, by deleting "All" and inserting: "Except as otherwise provided in this subsection, all".

Amend sec. 8, page 4, line 44, after "agency." by inserting: "Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board.".

Amend sec. 9, page 5, by deleting lines 33 through 37 and inserting: "not evidenced by a credit instrument may be resolved [by the board] in accordance with NRS 463.362 to 463.366, inclusive [.] *:*

*(a) By the board; or*

*(b) If the claim is for less than $500, by a hearing examiner designated by the board.*".

Amend sec. 22, page 13, by deleting lines 47 and 48 and inserting: "sion [.] *for a finding of suitability within 30 days after the chairman of the board mails the written notice.*".

Amendment No. 998.

Amend sec. 15.5, page 8, line 29, by deleting: "This fee prepays" and inserting: "Except for the fee based on the first full month of operation, the fee is an estimated payment of".

Amend sec. 15.5, page 8, by deleting lines 35 through 37 and inserting: "day of the following calendar month of operation. After the first full calendar month of operation, the commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the".

Amend sec. 15.5, page 8, line 39, by deleting "prepays" and inserting: "is an estimated payment of".

Amend sec. 15.5, page 8, line 42, after "advance" by inserting "estimated".

Amend sec. 15.5, page 8, line 45, by deleting "such" and inserting "the".

Amend sec. 15.5, page 9, by deleting lines 2 and 3 and inserting: "share of the license fees.

5. Any person required to pay a fee pursuant to this section shall file with the commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

6. If the amount of license fees required to be reported and paid pursuant".

Amend sec. 15.5, page 9, by deleting lines 12 through 15 and inserting:

"7. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

8. Except as otherwise provided in NRS 463.386, the amount of the fee".

Amend sec. 15.5, page 9, line 17, by deleting "8." and inserting "9.".

Amend sec. 15.5, page 9, line 19, by deleting "due;" and inserting: "due with interest;".

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

"Sec. 25. Section 15.5 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amendment No. 1049.

Amend sec. 5, page 1, line 24, after "inclusive," by inserting: "[and] sections 2 and 3 of [this act,] *Assembly Bill No. 554 of this session,*".

Amend sec. 25, page 16, by deleting line 15 and inserting:

"Sec. 25. Sections 5 and 15.5 of this act become effective at 12:01 a.m. on".

Assemblyman Sader moved that the Assembly concur in the Senate amendments to Assembly Bill No. 423.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 521.

The following Senate amendment was read:

Amendment No. 766.

Amend section 1, page 2, by deleting lines 3 through 7 and inserting:

"3. The welfare division may release information [about a natural parent] *:*

*(a) About a person related within the third degree of consanguinity* to an adopted person [, or about] *; or*

*(b) Except as otherwise provided in this subsection, about* an adopted person to a [natural parent,] *person related within the third degree of consanguinity,*

if the names and information about both are contained in the register. *An adopted person may, by submitting a written request to the welfare division, restrict the release of any information concerning himself to one or more categories of relatives within the third degree of consanguinity.*".

Assemblyman Sader moved that the Assembly concur in Senate Amendment No. 766 to Assembly Bill No. 521.

Remarks by Assemblymen Sader and Freeman.

Motion carried.

Amendment No. 1016.

Amend section 1, page 2, by deleting lines 3 through 12 and inserting:

"3. [The] *Except as otherwise provided in subsection 4, the* welfare division may release information [about a natural parent] *:*

*(a) About a person related within the third degree of consanguinity* to an adopted person [, or about] *; or*

*(b) About* an adopted person to a [natural parent,] *person related within the third degree of consanguinity,*

if the names and information about both are contained in the register.

*4. An adopted person may, by submitting a written request to the welfare division, restrict the release of any information concerning himself to one or more categories of relatives within the third degree of consanguinity. The welfare division shall not release information:*

*(a) About a person related within the third degree of consanguinity to an adopted person; or*

*(b) About an adopted person to a person related within the third degree of consanguinity,*

*without the consent of the natural parent.*".

Assemblyman Sader moved that the Assembly concur in Senate Amendment No. 1016 to Assembly Bill No. 521.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 655.

The following Senate amendment was read:

Amendment No. 974.

Amend sec. 207, page 86, line 39, by deleting "*or treasurer*".

Amend sec. 209, page 88, by deleting lines 1 through 6 and inserting:

"*(b) The payment of distributions in violation of section 211 of this act; or*

*(c) An action or proceeding brought pursuant to section 193 of this act or*".

Amend the bill as a whole by renumbering sec. 361 as sec. 362 and adding a new section designated sec. 361, following sec. 360, to read as follows:

"Sec. 361. Section 135 of Assembly Bill No. 221 of this session is hereby amended to read as follows:

Sec. 135. NRS 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

(a) The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c) Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term "subdivision" does not apply to:

(1) Any division of land which is ordered by any court in this state or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property.

2. *A common-interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply with NRS 278.326 to 278.460, inclusive, 278.473 to 278.477, inclusive, 278.480 and 278.490.*

*3.* The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

(a) The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 or 82 of NRS which is an immediate successor in title to a railroad company, and the land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on the land.

[3.] *4.* This chapter does not apply to the division of land for agricultural purposes into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.".

Amend the bill as a whole by adding a new section designated sec. 363, following sec. 361, to read as follows:

"Sec. 363. Sections 132 and 356 become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 655.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 567.

The following Senate amendment was read:

Amendment No. 1081.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 133 of Assembly Bill No. 221 of this session is hereby amended to read as follows:

Sec. 133. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, and section 1 of [this act,] *Assembly Bill No. 567 of this session,* unless the context otherwise requires:

1. ["Acre site" consists of 43,560 square feet of land, and includes any public streets and alleys or other rights of way or easements.

2.] "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

[3.] *2.* "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

[4.] *3.* "Commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

*4. "Common-interest community" has the meaning ascribed to it in section 10 of this act.*

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 567.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 706.

The following Senate amendment was read:

Amendment No. 1060.

Amend sec. 3, page 1, line 21, after "*health*" by inserting: "*division and provide any additional information required by the health*".

Amend sec. 3, page 1, by deleting line 22 and inserting:

"*(b) Be certified by the American Registry of Radiologic Technologists or meet the standards established by the health division pursuant to subsection 1 of NRS 457.065;*".

Amend sec. 3, page 2, line 9, by deleting "*may*" and inserting "*shall*".

Amend sec. 4, page 2, line 26, after "*health*" by inserting: "*division and provide any additional information required by the health*".

Amend sec. 4, page 2, by deleting line 27 and inserting:

"*(b) Is accredited by the American College of Radiology or meets the standards established by the health division pursuant to subsection 2 of NRS 457.065; and*".

Amend sec. 5, page 3, line 2, by deleting "*30 days*" and inserting "*4 months*".

Amend sec. 8, page 3, line 29, by deleting the period and inserting: "*which are at least as stringent as the requirements for accreditation established by the American College of Radiology.*".

Amend sec. 8, page 3, line 30, by deleting "*mammography.*" and inserting: "*mammography which are at least as stringent as the requirements for accreditation established by the American College of Radiology.*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 706.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 667.

The following Senate amendment was read:

Amendment No. 940.

Amend section 1, page 1, line 7, after "*use*" by inserting: "*in this state*".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 667.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Concurrent Resolution No. 33.

The following Senate amendment was read:

Amendment No. 909.

Amend the resolution, page 1, by deleting line 3 and inserting:

"WHEREAS, A younger mother without prenatal care is more likely to suffer compli-".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 33.

Remarks by Assemblyman Evans.

Motion carried.

Resolution ordered enrolled.

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

Assembly in recess at 10:26 a.m.

## ASSEMBLY IN SESSION

At 11:19 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 807—An Act relating to health care; authorizing the department of human resources to impose a tax on hospitals if a certain amendment to the state plan for assistance to the medically indigent is approved by the Federal Government; limiting increases in charges for

certain care; establishing and financing various programs to assist in containing the costs of health care; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 347, 351; Senate Bill No. 226; Senate Concurrent Resolution No. 60.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Hugh Perkins.

Assemblyman Porter moved that the Assembly adjourn until Sunday, June 9, 1991 at 9:00 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTIETH DAY

CARSON CITY (Sunday), June 9, 1991

Assembly called to order at 9:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we humbly bow our heads at the beginning of this beautiful Sabbath day. We wish to express our appreciation for the blessings of health, country, peace, families, friends and our associates. We ask for Thy influence in solving the issues of reapportionment, fair-share, budget and taxes. We pray that patience, consideration, understanding will prevail in all of our undertakings. We ask that the moisture that we need will be sent to us. We are grateful, Father in Heaven, for Thy influence, and especially on this day, that Thou will help us to be kind and considerate of each other, that that will prevail through the remainder of the session. We ask this prayer humbly and do it in the name of the Messiah. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Select Committee on Corrections, to which was referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 80, 86, 488, 511, 609, 770.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 72.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Anderson and Sader.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 80.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Giunchigliani, Scherer, Stout, Johnson and Krenzer.

Assemblymen Porter, Arberry and Callister moved the previous question.

Motion carried.

The question being on the motion to adopt Assembly Concurrent Resolution No. 80.

Assemblymen Little, Humke and Spriggs requested a roll call on Assemblyman Wendell Williams' motion.

Roll call on Assemblyman Wendell Williams' motion:

YEAS—20.

NAYS—Bayley, Bergevin, Elliott, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Little, McGinness, Marvel, Norton, Petrak, Pettyjohn, Scherer, Spriggs, Stout, Wong, Mr. Speaker—21.

Absent—Carpenter.

The resolution having failed to receive a majority, Mr. Speaker declared it lost.

By the Committee on Legislative Functions and Elections:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Shawn Ruedy is elected as an additional attaché of the Assembly for the 66th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Labor and Management, to which was re-referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 756, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 103:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 124.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Assembly Bill No. 124:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 197.
Bill read third time.
Remarks by Assemblymen Marvel, Pettyjohn, Spriggs and Garner.
Roll call on Assembly Bill No. 197:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 504.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Assembly Bill No. 504:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 652.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 652:
YEAS—39.
NAYS—Scherer, Spriggs—2.
Absent—Carpenter.

Assembly Bill No. 652 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 712.

Bill read third time.

Remarks by Assemblymen Bennett, Bergevin, Wendell Williams, Spriggs, Giunchigliani, Garner and Price.

Assemblymen Porter, Myrna Williams and Arberry moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 712.

Roll call on Assembly Bill No. 712:

YEAS—19.

NAYS—Bayley, Bergevin, Elliott, Gibbons, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Price, Sader, Scherer, Spriggs, Stout, Mr. Speaker—21.

Absent—Carpenter.

Not voting—Goetting.

Assembly Bill No. 712 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 712 was this day refused passage.

Assemblyman Norton gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Concurrent Resolution No. 80 was this day refused adoption.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 753.

Bill read third time.

Remarks by Assemblymen Sader, Bayley and Myrna Williams.

Roll call on Assembly Bill No. 753:

YEAS—34.

NAYS—Bayley, Gibbons, Gregory, Hardy, Little, Stout, Wong—7.

Absent—Carpenter.

Assembly Bill No. 753 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 797.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 797:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 797 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 82:

YEAS—38.

NAYS—Johnson, Porter, Spitler—3.

Absent—Carpenter.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblyman Kerns.

Roll call on Senate Bill No. 127:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 141.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 141:

YEAS—39.

NAYS—Bayley, Wong—2.

Absent—Carpenter.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 178.

Bill read third time.

Remarks by Assemblymen Spriggs and Freeman.

Roll call on Senate Bill No. 178:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 201:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 232.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Senate Bill No. 232:
YEAS—39.
NAYS—None.
Absent—Carpenter.
Not voting—Hardy, Marvel—2.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 756 and Senate Bill No. 402 be placed on the Second Reading File.
Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 456 and 529 be placed at the top of the General File.
Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 456.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1157.
Amend the bill as a whole by renumbering sec. 12 as sec. 13 and adding a new section designated sec. 12, following sec. 11, to read as follows:
"Sec. 12. Section 1 of Assembly Bill No. 349 of this session is hereby amended to read as follows:
Section 1. NRS 445.221 is hereby amended to read as follows:
445.221 Except as authorized by a permit issued by the department [under] *pursuant to* the provisions of NRS 445.131 to 445.354, inclusive, and sections 2 to 7, inclusive, of [this act,] *Assembly Bill No. 456 of this session,* and regulations adopted by the commission, it is unlawful for any person to:
1. Discharge from any point source any pollutant into any waters of the state or any treatment works . [; or]
2. Inject fluids through a well into any waters of the state.

*3. Discharge from a point source a pollutant or inject fluids through a well that could be carried into the waters of the state by any means.*

*4. Allow a pollutant discharged from a point source or fluids injected through a well to remain in a place where the pollutant or fluids could be carried into the waters of the state by any means.*".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 529.

Bill read third time.

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

Amendment No. 1074.

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

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The manager shall, pursuant to a resolution of the board, declare in July of each year the amount of interest and other income earned by the system during the preceding fiscal year on investments and reinvestments of the money of the system.*

*2. The manager shall allocate an amount equal to 1 percent of the interest and other income so declared for the payment of cost-of-living increases for any eligible person who is receiving compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615.*

*3. A person is not eligible to receive a cost-of-living increase pursuant to this section unless:*

*(a) The injury for which the compensation is being received occurred at least 18 years before the initial payment of the cost-of-living increase; and*

*(b) His income for the previous 12 months is less than an amount equal to the product of the minimum wage determined pursuant to NRS 608.250 multiplied by 2,080.*

*4. A person is not required to accept a cost-of-living increase pursuant to this section.*

*5. The money allocated for cost-of-living increases pursuant to subsection 2 must be transferred to a separate account and invested by the system pursuant to NRS 616.497 to 616.499, inclusive. Any interest or other income earned by the system on the money in the account must be credited to the account.*

*6. Each person who receives a cost-of-living increase pursuant to this section shall report to the system annually on the anniversary date of the initial payment of the cost-of-living increase all of his income for the preceding 12-month period. If the person fails to make the report to the*

*system within 30 days after the anniversary date, the system shall notify the person that the report has not been received and shall suspend payment of the cost-of-living increases until the report is filed with the system.*

*7. The administrator shall adopt regulations prescribing the method for determining the cost-of-living increases authorized pursuant to subsection 2. The total amount of the cost-of-living increases paid in a fiscal year may not exceed the sum of:*

*(a) The amount of money that is allocated in that year for cost-of-living increases pursuant to subsection 2; and*

*(b) The amount remaining in the separate account created pursuant to subsection 5 that was not expended in previous years.*

*8. A self-insured employer shall provide cost-of-living increases in the manner set forth in this section to persons who would be entitled to receive those increases if the provisions of this section were applicable to the employer. The administrator shall adopt such regulations as are necessary to carry out the purposes of this subsection.*

Sec. 2. The cost-of-living adjustments authorized pursuant to section 1 of this act must not be paid before July 1, 1993.

Sec. 3. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; allocating a portion of the interest and other income earned on the investment of the money of the state industrial insurance system to the payment of cost-of-living increases for certain persons receiving industrial insurance benefits; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires payment of cost-of-living increases for certain persons receiving industrial insurance benefits. (BDR 53-931)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 756.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1083.

Amend sec. 9, page 2, by deleting lines 3 through 8 and inserting:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 10, page 2, by deleting lines 11 through 17 and inserting:

"*1. The amount necessary to satisfy the lien; and*

*2. A description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and section 12 of this act.*".

Amend sec. 11, page 2, by deleting lines 18 through 27 and inserting:

"Sec. 11. *1. The manufactured housing division of the department of commerce shall provide a notice of lien on a mobile home or manufactured*

*home and a notice of a sale by auction of a mobile home or manufactured home that complies with the requirements of NRS 108.270 to 108.360, inclusive.*

*2. A notice of lien on a mobile home or manufactured home or a notice of a sale by auction of a mobile home or manufactured home must be made on a form provided by the manufactured housing division of the department of commerce.*".

Amend sec. 12, page 2, line 33, after "*serve*" by inserting "*certified*".

Amend sec. 12, page 2, lines 36 and 37, by deleting: "*within 10 days after the filing*" and inserting: "*as soon as practicable but not sooner than 5 days after service*".

Amend sec. 12, page 2, line 39, by deleting the period and inserting: "*within 5 days after the date of the order.*".

Amend sec. 12, page 2, between lines 42 and 43, by inserting:

"*4. After receipt of a notice of opposition to a lien or other notice pursuant to any proceeding to contest the validity of a lien, the manufactured housing division of the department of commerce shall not transfer the title to the mobile home or manufactured home that is the subject of the lien until the matter has been adjudicated.*".

Amend sec. 13, pages 2 and 3, by deleting lines 43 through 48 on page 2 and lines 1 and 2 on page 3 and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 14, page 3, line 3, by deleting "*1.*".

Amend sec. 14, page 3, by deleting lines 5 through 8 and inserting: "*department of commerce.*".

Amend sec. 16, page 3, by deleting lines 34 through 37 and inserting: "plies therefor, and for all costs incurred in enforcing such *a* lien.".

Amend sec. 16, page 4, by deleting lines 1 through 3.

Amend sec. 19, page 4, by deleting lines 43 through 47 and inserting:

"108.290 1. [Except as provided in subsection 2, any lien in excess of $750] *If property that is the subject of a lien which is* acquired as provided in NRS 108.270 to 108.360, inclusive, is [a secondary lien when the motor vehicle, motorcycle, motor equipment, or trailer in question is] the subject of a secured transaction [.] , *the lien:*

*(a) In the case of a lien acquired pursuant to NRS 108.315, is a first lien; and*

*(b) In all other cases, if the amount of the lien:*

*(1) Does not exceed $750, is a first lien.*

*(2) Exceeds $750, is a second lien.*".

Amend sec. 22, page 6, line 29, by deleting "*occupant*" and inserting: "*tenant or subtenant*".

Amend sec. 22, page 6, line 46, after "3." by inserting: "*A landlord who enforces a lien for unpaid rent may recover an amount equal to:*

*(a) The amount of the unpaid rent;*

*(b) The cost of any advertising and notices required pursuant to NRS 108.270 to 108.360, inclusive;*

*(c) The cost and fees ordered by a court in any action contesting the validity of a lien; and*

*(d) The cost of a sale, if a sale by auction is made pursuant to the provisions of NRS 108.310.*

*4.*".

Amend sec. 22, page 7, line 1, after "days" by inserting: "*but not more than 30 days*".

Amend sec. 22, page 7, line 2, after "*owner*" by inserting: "*and tenant or subtenant*".

Amend sec. 22, page 7, line 5, after "108.310." by inserting: "*The written notice must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and section 12 of this act.*".

Amend the bill as a whole by renumbering sec. 29 as sec. 30 and adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. NRS 489.551 is hereby amended to read as follows:

489.551 Upon a transfer of the title to or the interest of an owner in a manufactured home, mobile home or commercial coach issued a certificate of ownership [under] *pursuant to* the provisions of this chapter [, the] *:*

*1. The* person whose title or interest is to be transferred and the transferee shall write their signatures with ink upon the certificate of ownership issued for the manufactured home, mobile home or commercial coach, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate.

*2. The transferee shall provide his name and address to the manufactured housing division of the department of commerce.*".

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblyman Johnson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 417:

YEAS—38.

NAYS—Little, Wong—2.

Absent—Carpenter.

Not voting—Marvel.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 445, 544 and 554 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 808—An Act relating to wildlife; requiring the department of wildlife to issue special deer tags to certain persons who served in the crisis in the Persian Gulf; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 10, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:26 a.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-FIRST DAY

CARSON CITY (Monday), June 10, 1991

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Our heavenly Father, we take this opportunity to thank You for the beautiful day that You have given us, another day of life that You have provided. We give thanks also for the guidance that You provide to those who seek You with their whole heart. We come today asking that You would bless this Assembly. Grant unto them a full measure of understanding, wisdom, patience and gentleness in their dealings with one another. Help them to wisely conduct the affairs of government. In Thy blessed name we ask. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 809—An Act relating to the transfer of interests in property; adding various provisions relating to the creation and validity of trusts; permitting a transfer of custodial property to a minor to be delayed under certain circumstances; defining certain terms relating to the disclaimer of interests in property; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Assembly in recess at 11:19 a.m.

### ASSEMBLY IN SESSION

At 11:20 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 198.
Bill read third time.
Remarks by Assemblyman Dini.
Roll call on Assembly Bill No. 198:
YEAS—41.
NAYS—Heller.

Assembly Bill No. 198 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 268.
Bill read third time.
Remarks by Assemblymen Humke and Wong.
Roll call on Assembly Bill No. 268:
YEAS—37.
NAYS—Bayley, Hardy, Little, Pettyjohn, Spriggs—5.

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

Assembly Bill No. 471.
Bill read third time.
Remarks by Assemblymen Marvel, Dini and Carpenter.
Roll call on Assembly Bill No. 471:
YEAS—42.
NAYS—None.

Assembly Bill No. 471 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 730.
Bill read third time.
Remarks by Assemblymen Scherer and Pettyjohn.
Roll call on Assembly Bill No. 730:
YEAS—42.
NAYS—None.

Assembly Bill No. 730 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 787.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 787:
YEAS—40.
NAYS—Anderson, Scherer—2.

Assembly Bill No. 787 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 28.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Joint Resolution No. 28:

YEAS—41.

NAYS—Evans.

Assembly Joint Resolution No. 28 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Haller moved that Senate Bill No. 463 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Haller.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 402 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Callister moved that Senate Bill No. 544 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Callister.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 445.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1111.

Amend section 1, page 1, line 2, by deleting "33," and inserting "34,".

Amend the bill as a whole by adding a new section designated sec. 8.3, following sec. 8, to read as follows:

"Sec. 8.3. Except as otherwise provided in this chapter or in specific provisions of this Title, the provisions of this Title are not applicable to any prepaid limited health service organization granted a certificate of authority pursuant to this chapter. This section does not apply to an insurer licensed and regulated pursuant to this Title except with respect to its activities as a prepaid limited health service organization authorized and regulated pursuant to this chapter.".

Amend sec. 27, page 7, line 25, by deleting "April" and inserting "March".

Amend sec. 27, page 7, line 44, by deleting "due;" and inserting: "due, but the fine must not exceed $3,000;".

Amend sec. 31, page 9, by deleting lines 31 through 35.

Amend the bill as a whole by renumbering sec. 34 as sec. 35 and adding a new section designated sec. 34, following sec. 33, to read as follows:

"Sec. 34. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions of this Title, to the extent reasonably applicable:

1. NRS 687B.310 to 687B.390, inclusive, concerning cancellation and nonrenewal of policies.

2. NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.

3. The requirements of NRS 679B.152.

4. The fees imposed pursuant to NRS 449.465.

5. NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.

6. The assessment imposed pursuant to subsection 3 of NRS 679B.158.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 554.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 554:

YEAS—42.

NAYS—None.

Senate Bill No. 554 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

The following amendment was proposed by Assemblyman Haller:

Amendment No. 1168.

Amend sec. 3, page 2, by deleting line 30 and inserting:

"*(b) Not more than four times per year, as requested by the committee:*

*(1) A complete list of the registered voters with a notation for each such entry of the date according to the Julian calendar on which the entry or the latest change in the information was made; or*

*(2) A list that includes additions*".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblymen Haller, Scherer, Johnson and Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Price moved that the vote whereby Assembly Bill No. 712 was refused passage be reconsidered.

Assemblymen Bergevin, Humke and Price requested a roll call on Assemblyman Price's motion.

Roll call on Assemblyman Price's motion:

YEAS—21.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Gibbons, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Sader, Spriggs, Stout, Wong—20.

Not voting—Goetting.

The motion having received a majority, Madam Speaker pro Tempore declared it carried.

In compliance with a notice given on a previous day, Assemblyman Norton moved that the vote whereby Assembly Concurrent Resolution No. 80 was refused adoption be reconsidered.

Assemblymen Humke, Spriggs and McGinness requested a roll call on Assemblyman Norton's motion.

Roll call on Assemblyman Norton's motion:

YEAS—21.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wong—21.

The motion having failed to receive a majority, Madam Speaker pro Tempore declared it lost.

REMARKS FROM THE FLOOR

Assemblyman Norton requested that his remarks be entered in the Journal.

I want the record to reflect that A.C.R. No. 80 was supported by the PTA; I just want that on the record.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Assembly Bill No. 712 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 647, 648, 685, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 683, 684, 806, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 726, 758; Senate Bills Nos. 251, 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 62.

Resolution read.

Assemblyman Sader moved that Assembly Concurrent Resolution No. 62 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assembly Concurrent Resolution No. 63.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1183.

Amend the resolution, page 1, line 19, by deleting "Legislative Commission" and inserting: "director of the department of motor vehicles and public safety".

Amend the resolution, page 1, line 23, by deleting "consultation" and inserting "cooperation".

Amend the resolution, page 1, line 24, by deleting: "department of motor vehicles and public safety and the".

Amend the resolution, page 2, by deleting lines 7 through 9 and inserting: "RESOLVED, That the director of the department of motor vehicles and public safety report the results of the study and any recommended legislation to the director of the legislative counsel bureau on or before January 1, 1993, for distribution to the 67th session of the Nevada Legislature.".

Amend the title of the resolution, first line, by deleting "Legislative Commission" and inserting: "director of the department of motor vehicles and public safety".

Amend the summary of the resolution, first line, by deleting "Legislative Commission" and inserting: "department of motor vehicles and public safety".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assemblyman Porter moved that Assembly Bills Nos. 647, 648, 683, 684, 685, 726, 758, 806; Senate Bills Nos. 251 and 267 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 11:59 a.m.

## ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 198, 268, 471, 730, 787 and Assembly Joint Resolution No. 28 be immediately transmitted to the Senate.

Motion carried unanimously.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 790, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Welfare:

Assembly Bill No. 810—An Act relating to the legislative committee on health care; requiring that the chairmanship of the committee alternate biennially between the houses of the legislature; requiring the appointment of an assemblyman as chairman of the committee for the next biennium; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 429.

The following Senate amendments were read:

Amendment No. 535.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 178.405 is hereby amended to read as follows:

178.405 When [an] *a complaint,* indictment or information is called for trial, or upon conviction the defendant is brought up for judgment, if doubt arises as to the competence of the defendant, the court shall suspend the trial [of the indictment or information] or the pronouncing of the judgment, as the case may be, until the question of competence is determined.".

Amend sec. 4, page 3, line 19, by deleting "The" and inserting: "[The] *Except as otherwise provided in this subsection, the*".

Amend sec. 4, page 3, by deleting lines 22 through 25 and inserting: "defendant. *If the defendant is accused of a misdemeanor, the court of jurisdiction shall appoint a psychiatric social worker, or other person who is especially qualified by the division of mental hygiene and mental retardation of the department of human resources, to examine the defendant.*

2. At a hearing in open court, the judge shall receive the report of the [examining physicians] *examination* and shall permit counsel for both sides to examine [them. The state] *the person or persons appointed to examine the defendant. The prosecuting attorney* and the defendant may introduce other evidence and".

Amend the bill as a whole by renumbering sec. 5 as sec. 11 and adding new sections designated sections 6 through 10, following sec. 4, to read as follows:

"Sec. 6. NRS 178.420 is hereby amended to read as follows:

178.420 If the court finds that the defendant is competent, the trial [of the indictment or information] must proceed, or judgment may be pronounced, as the case may be.

Sec. 7. NRS 178.425 is hereby amended to read as follows:

178.425 1. If the court finds the defendant incompetent, and that he is dangerous to himself or to society or that commitment is required for a determination of his ability to attain competence, the judge shall order the sheriff to convey him forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the administrator of the mental hygiene and mental retardation division of the department of human resources for detention and treatment at a secure facility operated by the mental hygiene and mental retardation division.

2. The defendant must be held in such custody until a court orders his release or until he is returned for trial or judgment as provided in NRS 178.450 to 178.465, inclusive.

3. If the court finds the defendant incompetent but not dangerous to himself or to society, and finds that commitment is not required for a determination of the defendant's ability to attain competence, the judge shall order the defendant to report to the administrator as an outpatient for treatment, if it might be beneficial, and for a determination of his ability to attain competence. The court may require the defendant to give bail for his periodic appearances before the administrator.

4. Except as *otherwise* provided in subsection 5, proceedings against the defendant must be suspended until the sanity commission *or, if the defendant is charged with a misdemeanor, the judge* finds him capable of standing trial or opposing pronouncement of judgment as provided in NRS 178.400.

5. Whenever the defendant has been found incompetent, with no substantial probability of attaining competency in the foreseeable future, and released from custody or from obligations as an outpatient pursuant to paragraph (d) of subsection 3 of NRS 178.460, the proceedings against the defendant which were suspended must be dismissed. No new charge arising out of the same circumstances may be brought after a period , [of time,] equal to the maximum time allowed by law for commencing a criminal action for the crime with which the defendant was charged, has lapsed since the date of the alleged offense.

Sec. 8. NRS 178.435 is hereby amended to read as follows:

178.435 The expenses of the examination and of the [sending] *transportation* of the defendant to and from the custody of the administrator of the mental hygiene and mental retardation division *of the department of human resources* are in the first instance chargeable to the county *or city* from which he has been sent. But the county *or city* may recover the money from the estate of the defendant, from a relative legally bound to care for him or from the county *or city* of which he is a resident.

Sec. 9. NRS 178.440 is hereby amended to read as follows:

178.440 The clerk of the [district] court before which an examination [shall have] *has* been conducted shall certify the costs to the board of county commissioners [.] *or governing body of the city, as appropriate.*

Sec. 10. NRS 178.450 is hereby amended to read as follows:

178.450 1. The administrator of the mental hygiene and mental retardation division *of the department of human resources* shall keep each defendant committed to his custody under NRS 178.425 or 178.460 under observation and shall have each defendant who has been ordered to report to him as an outpatient under those sections evaluated periodically.

2. [Within 6 months after the order for commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 3 of NRS 178.460, and at 6-month intervals thereafter until release or return for trial or judgment, the] *The* administrator shall notify in writing a judge of the [district] court which committed the person and the [district] *prosecuting* attorney of the county *or city* to which the person may be returned for further court action whether [or not] in his opinion, upon medical consultation, the defendant is of sufficient mentality to be able to understand the nature of the criminal charge against him and, by reason thereof, is able to aid and assist his counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter . [, and if he is not, whether or not:] *The administrator shall submit such a notification, in the case of a person charged or convicted of a misdemeanor, within 3 months after the order for commitment or treatment and evaluation as an outpatient or for recommitment pursuant to paragraph (b) of subsection 3 of NRS 178.460, and at monthly intervals thereafter. In all other cases, the initial notification must be submitted within 6 months after the order and at 6-month intervals thereafter. If the administrator's opinion about the defend-*

*ant is that he is not of sufficient mentality to understand the nature of the charge against him and assist in his own defense, the administrator shall also include in the notice his opinion whether:*

(a) There is a substantial probability that the defendant will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) The defendant is at that time a danger to himself or to society.

3. The notice may be informal [and] , *but* must contain:

(a) The name of the defendant and the county *or city* to which he may be returned for further court action.

(b) The circumstances under which he was committed to the custody of the administrator and the duration of his hospitalization, or the circumstances under which he was ordered to report to the administrator as an outpatient.".

Amend sec. 5, page 3, line 30, by deleting "district" and inserting "[district]".

Amend sec. 5, page 3, line 35, after "shall," by inserting: "*except as otherwise provided in subsection 4,*".

Amend sec. 5, page 3, line 43, by deleting "district" and inserting "[district]".

Amend sec. 5, page 3, line 46, by deleting "district" and inserting "[district]".

Amend sec. 5, page 3, line 48, by deleting "district" and inserting "[district]".

Amend sec. 5, page 4, line 10, by deleting "the person" and inserting: "[the person] *he*".

Amend the bill as a whole by renumbering sections 6 through 13 as sections 14 through 21 and adding new sections designated sections 12 and 13, following sec. 5, to read as follows:

"Sec. 12. NRS 178.460 is hereby amended to read as follows:

178.460 1. If requested by the district attorney or counsel for the defendant within 10 days after the reports of the sanity commission are sent to them, the [district] judge shall hold a hearing within 10 days after the request at which the district attorney and the defense counsel may examine the members of the sanity commission on their reports.

2. Within 10 days after the hearing or 20 days after the reports are sent, if no hearing is requested, the [district] judge shall make and enter his finding of competence or incompetence, and if he finds the defendant to be incompetent:

(a) Whether there is substantial probability that the defendant will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future; and

(b) Whether the defendant is at that time a danger to himself or to society.

3. If the [district] judge finds the defendant:

(a) Competent, he shall within 10 days forward his finding to the [district] *prosecuting* attorney and counsel for the defendant. Upon receipt thereof, the [district] *prosecuting* attorney shall notify the sheriff of the county *or*

*chief of police of the city* that the defendant has been found competent and arrange for the return of the defendant to that county *or city* for trial upon the offense there charged or the pronouncement of judgment, as the case may be. The defendant must not be returned more than 30 days before the date set for the trial or pronouncement of judgment which must be within 60 days of the receipt of the findings of the sanity commission [.] , *or if the case is a misdemeanor, within 60 days after the judge received the notice from the administrator pursuant to subsection 1 of NRS 178.455.*

(b) Incompetent, but there is substantial probability that he will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is dangerous to himself or to society, he shall recommit the defendant.

(c) Incompetent, but there is substantial probability that he will attain competency to stand trial or receive pronouncement of judgment in the foreseeable future and finds that he is not dangerous to himself or to society, he shall order that the defendant remain an outpatient or be transferred to [outpatient] *the* status *of an outpatient* under the provisions of NRS 178.425.

(d) Incompetent, with no substantial probability of attaining competency in the foreseeable future, he shall order the defendant released from custody or if the defendant is an outpatient, released from his obligations as an outpatient if, within 10 days, a petition is not filed to commit the person pursuant to NRS 433A.200. After the initial 10 days, the defendant may remain an outpatient or in custody under the provisions of this chapter only as long as the petition is pending unless the defendant is involuntarily committed pursuant to chapter 433A of NRS.

4. No person who is committed under the provisions of this chapter may be held in the custody of the administrator of the mental hygiene and mental retardation division longer than the longest period of incarceration provided for the crime or crimes with which he is charged or 10 years, whichever period is shorter. Upon expiration of the applicable period, the defendant must be returned to the committing court for a determination as to whether or not involuntary commitment pursuant to chapter 433A of NRS is required.

Sec. 13. NRS 178.465 is hereby amended to read as follows:

178.465 The members of the sanity commission are entitled to receive reasonable compensation fixed by the [district] judge impaneling the commission. The compensation is a charge against and must be paid by the mental hygiene and mental retardation division upon an order therefor signed by the [district] judge and submitted to the administrator of the division. The administrator shall submit a claim for payment of the order in the manner provided by law. After the appropriation for this purpose is exhausted, money must be allocated to the mental hygiene and mental retardation division out of the reserve for statutory contingency fund, upon approval by the state board of examiners, for payment of the compensation.".

Amend sec. 13, page 7, line 32, by deleting "6" and inserting "14".

Amend the title of the bill, fourth line, after "probation;" by inserting: "extending the provisions for determining the sanity of a defendant to all misdemeanors;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing determination of mental condition of defendant for certain criminal proceedings. (BDR 14-1257)".

Amendment No. 1017.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting: "similarly qualified,] *psychiatrists, two psychologists, or one psychiatrist and one psychologist,* to examine the person; and".

Amend sec. 3, page 3, by deleting line 10 and inserting: "*psychiatrists, two psychologists, or one psychiatrist and one psychologist,* to".

Amend sec. 5, page 3, by deleting lines 27 and 28 and inserting: "otherwise especially qualified,] *psychiatrists, two psychologists, or one psychiatrist and one psychologist,* to examine the defendant. *If the defendant is*".

Amend sec. 11, page 5, by deleting lines 39 through 44 and inserting: "state,] *persons, each of whom is a psychiatrist or psychologist,* but not including members of the medical staff of the mental hygiene and mental retardation division, who in the opinion of the [district] judge are qualified to examine the person".

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Assemblyman Sader moved that the Assembly concur in the Senate amendments to Assembly Bill No. 429.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 284.

The following Senate amendment was read:

Amendment No. 843.

Amend section 1, page 1, by deleting lines 20 through 23 and inserting:

"2. *If, during an inspection of a building, any member of a fire department becomes aware of a violation of an ordinance adopted pursuant to subsection 1, the chief officer of the fire department or an employee designated by him, shall give notice of the violation to the owner or occupant of the building.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 284.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Concurrent Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted, as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 30.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted, as amended.

SECOND READING AND AMENDMENT

Assembly Bill No. 647.

Bill read second time.

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

Amendment No. 1112.

Amend the bill as a whole by deleting sections 2 through 4 and inserting: "Secs. 2-4. (Deleted by amendment.)".

Amend sec. 5, page 3, line 18, by deleting: "*the governing body of*".

Amend sec. 5, page 3, line 19, by deleting: "*governing body of a*".

Amend sec. 6, page 3, line 23, by deleting "*a*" and inserting: "*one or more*".

Amend sec. 6, page 3, line 24, by deleting "*area*" and inserting "*areas*".

Amend sec. 6, page 3, line 25, by deleting the colon and inserting: ", *the county and the affected cities shall jointly adopt a master plan for the area.*".

Amend sec. 6, page 3, by deleting lines 26 to 34.

Amend sec. 6, page 3, line 35, by deleting "*for the*" and inserting "*for a*".

Amend sec. 6, page 3, line 37, after "*area*" by inserting: ", *if any,*".

Amend sec. 6, page 3, line 39, after "*area*" by inserting: ", *if any,*".

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

"Sec. 6.5. *1. If a city has a sphere of influence that is designated in the comprehensive regional plan, the city shall adopt a master plan concerning the territory within the sphere of influence. The master plan and any ordinance required by the master plan must be consistent with the comprehensive regional plan. After adoption and certification of a master plan concerning the territory within the sphere of influence and after adopting the ordinances required by the master plan, if any, the city may exercise any power conferred pursuant to NRS 278.010 to 278.630, inclusive, and sections 2 to 10, inclusive, of this act, within its sphere of influence.*

*2. If the comprehensive regional plan designates that all or part of the sphere of influence of a city is a joint planning area, the master plan and any ordinance adopted by the city pursuant to subsection 1 must be consistent with the master plan that is adopted for the joint planning area.*

*3. Before certification of the master plan for the sphere of influence pursuant to NRS 278.028, any action taken by the county pursuant to NRS 278.010 to 278.630, inclusive, and sections 2 to 10, inclusive, of this act, within the sphere of influence of a city must be consistent with the comprehensive regional plan.*

*4. A person, county or city that is represented on the governing board who is aggrieved by a final determination of the county or, after the certification of the master plan for a sphere of influence, is aggrieved by a final determination of the city, concerning zoning, a subdivision map, a parcel map or the use of land within the sphere of influence may appeal the decision to the regional planning commission within 30 days after the determination. A person, county or city that is aggrieved by the determination of the regional planning commission may appeal the decision to the governing board within 30 days after the determination. A person, county or city that is aggrieved by the determination of the governing board may seek judicial review of the decision within 30 days after the determination.*".

Amend sec. 7, page 3, by deleting lines 44 and 45 and inserting: "*area, each affected local planning commission shall jointly hold at least one public hearing*".

Amend sec. 7, page 4, line 2, by deleting: "*the county planning commission and the*" and inserting: "*each affected local*".

Amend sec. 7, page 4, line 3, by deleting: "*of each city*".

Amend sec. 7, page 4, by deleting lines 8 through 11 and inserting: "*master plan for the joint planning area.*".

Amend sec. 7, page 4, line 12, by deleting: "*An attested copy of the*" and inserting "*The*".

Amend sec. 7, page 4, by deleting lines 13 through 18 and inserting: "*recommended by the affected local planning commissions must be considered for adoption by each affected local governing body.*

*4. The affected local governing bodies may adopt such parts thereof as may practicably be*".

Amend sec. 7, page 4, by deleting lines 21 and 22 and inserting: "*membership of each affected local governing body.*".

Amend sec. 7, page 4, by deleting lines 24 and 25 and inserting: "*thereof, the affected local governing bodies shall jointly hold at least one public hearing*".

Amend the bill as a whole by deleting lines 29 through 48 on page 4 and inserting:

"Sec. 8. (Deleted by amendment.)".

Amend sec. 9, page 5, line 1, by deleting: "*board for regional planning:*" and inserting "*board:*".

Amend sec. 9, page 5, line 2, after "*its*" by inserting: "*specific powers and*".

Amend sec. 9, page 5, line 4, by deleting the period and inserting: "*that is authorized pursuant to the provisions of sections 2 to 10, inclusive, of this act.*".

Amend sec. 11, page 5, line 11, by deleting "*state agency,*".

Amend sec. 11, page 5, line 16, by deleting the bracket.

Amend sec. 11, page 5, line 19, by deleting the bracket.

Amend sec. 11, page 5, line 31, by deleting: " "*Project of regional significance*" " and inserting: " "*Project of regional significance,*" *with respect to a project proposed by any person other than a public utility,*".

Amend sec. 11, page 5, by deleting line 32 and inserting:

"*(a) Has been identified in the guidelines of the regional planning commission as a project which will result in the loss or significant degradation of a designated historic, archeo-*".

Amend sec. 11, page 5, line 34, by deleting "*Will*" and inserting: "*Has been identified in the guidelines of the regional planning commission as a project which will*".

Amend sec. 11, page 5, by deleting lines 36 and 37 and inserting:

"*(c) Has been identified in the guidelines of the regional planning commission as a project which will have a significant effect on the natural resources, public services, public facilities or the adopted regional form of the region; or*".

Amend sec. 11, page 5, line 39, by deleting: "*or a tentative map*" and inserting: "*a tentative map or other approval for the use of land*".

Amend sec. 11, page 6, between lines 3 and 4, by inserting:

"*6. "Project of regional significance," with respect to a project proposed by a public utility, includes:*

*(a) An electric substation;*

*(b) A transmission line that carries 60 kilovolts or more;*

*(c) A facility that generates electricity greater than 5 megawatts;*

*(d) A water treatment plant;*

*(e) A water storage tank that is larger than 500,000 gallons;*

*(f) A pump station that is rated over 3,000 gallons per minute;*

*(g) A water reservoir with a surface area larger than 2 acres;*

*(h) Natural gas storage and peak shaving facilities;*

*(i) Gas regulator stations and mains that operate over 100 pounds per square inch; and*

*(j) Transmission water mains that are larger than 30 inches in diameter which are used primarily to transport water from a source of supply to an area of demand if the distance is greater than 5 miles.*".

Amend sec. 11, page 6, by deleting line 4 and inserting: "*7. "Sphere of influence" means an area into which a city plans to expand as*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 278.0264 is hereby amended to read as follows:

278.0264 1. There is hereby created in each county whose population is 100,000 or more but less than 400,000, a governing board for regional planning consisting of:

(a) Three representatives appointed by the board of county commissioners, at least two of whom must represent or reside within unincorporated areas of the county. If the representative is:

(1) A county commissioner, his district must be one of the two districts in the county with the highest percentage of unincorporated area.

(2) Not a county commissioner, he must reside within an unincorporated area of the county.

(b) Four representatives appointed by the governing body of the largest incorporated city in the county.

(c) Three representatives appointed by the governing body of every other incorporated city in the county whose population is 40,000 or more.

(d) One representative appointed by the governing body of each incorporated city in the county whose population is less than 40,000.

2. Except for the terms of the initial members of the governing board, the term of each member is 3 years and until the selection and qualification of his successor. A member may be reappointed. A vacancy must be filled for the unexpired term by the governing body which made the original appointment.

3. The governing bodies may appoint representatives to the governing board from within their respective memberships. A member of a local governing body who is so appointed and who subsequently ceases to be a member of that body, automatically ceases to be a member of the governing board. *The governing body may also appoint alternative representatives who may act in the respective absences of the principal appointees.*

4. The governing board shall elect its chairman from among its members. The term of the chairman is 1 year. The member elected chairman must have been appointed by the governing body of the county or a city whose population is more than 40,000, as determined pursuant to a schedule adopted by the governing board and made a part of its bylaws which provides for the annual rotation of the chairmanship among each of those governing bodies.

5. A member of the governing board who is also a member of the governing body which appointed him shall serve without additional compensation. All other members must be compensated at the rate of $40 per meeting or $200 per month, whichever is less.

6. The governing board may appoint such employees as it deems necessary for its work and may contract with city planners, engineers, architects and other consultants for such services as it requires.

7. The local governments represented on the governing board shall provide the necessary facilities, equipment, staff, supplies and other usual operating expenses necessary to enable the governing board to carry out its functions. The local governments shall enter into an agreement whereby those costs are shared by the local governments in proportion to the number of members that each appoints to the governing board. The agreement must also contain a provision specifying the responsibility of each local government, respectively, of paying for legal services needed by the governing board or by the regional planning commission.

8. *The governing board may sue or be sued in any court of competent jurisdiction.*

9. The governing board shall prepare and adopt an annual budget and transmit it as a recommendation for funding to each of the local governments.".

Amend sec. 12, page 6, by deleting lines 8 through 35 and inserting:

"278.0278 1. [Until the comprehensive regional plan is adopted and the master plan for the county or city within whose jurisdiction a project is located is found to be in conformity with the regional plan, any project of regional significance must be reviewed by the regional planning commission.

2.] Before *a project of regional significance is approved finally by the county or city and before* construction on a project of regional significance may begin, the regional planning commission must make a finding that the project is in conformance with the [existing] *adopted* regional plan. [If the finding of the commission is otherwise, it may be appealed to the governing board.] In making its determination, the commission shall *limit its review to the substance and content of the adopted comprehensive regional plan and shall* not consider the merits or deficiencies of a project in a manner other than is necessary to enable it to make that determination.

[3.] *2.* If the commission fails to make any finding regarding a project of regional significance within 60 days after the project is submitted to it, [the finding necessary to allow construction on the project to begin shall be deemed to have been made.

4. As used in this section, "project of regional significance" means a project which will require a change in zoning, special use permit, amendment to a master plan, or a tentative map which, if approved, will have an effect on the region of increasing:

(a) Employment by not less than 938 employees;

(b) Housing by not less than 625 units;

(c) Hotel accommodations by not less than 625 rooms;

(d) Sewage by not less than 187,500 gallons per day;

(e) Water usage by not less than 625 acre feet per year; or

(f) Traffic by not less than an average of 6,250 trips daily.

The term does not include any project for which a request for an amendment to a master plan, change in zoning, tentative map or special use permit has been approved by the local planning commission before June 17, 1989.] *it shall be deemed that the commission has no objections to the project regarding its conformance with the regional plan.*

*3. If the commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the governing board within 45 days after the determination is made. The governing board shall consider the appeal and may reverse the determination of the commission or recommend that the county or city take actions to make the proposal consistent with the comprehensive regional plan. The county or city shall,*

*within 45 days after receipt, consider any such recommendations and make such changes in the project as are necessary to remove the objections of the commission regarding nonconformity.*

*4. The limits on time imposed in subsection 2 of NRS 278.315, subsection 5 of NRS 278.330 and subsection 2 of NRS 278.349 are extended by 60 days or such period as may be necessary to complete the review and any appeal provided for in this section.*".

Amend sec. 14, page 6, line 38, by deleting "*may*" and inserting "*plans to*".

Amend sec. 15, page 6, line 42, by deleting: "*The governing body of a*" and inserting "*A*".

Amend sec. 15, page 6, line 43, after "*400,000*" by inserting: "*that has adopted a comprehensive regional plan pursuant to NRS 278.026 to 278.029, inclusive, and sections 2 to 10, inclusive, of this act,*".

Amend sec. 15, page 6, lines 45 and 46, by deleting: "*governing body of a*".

Amend sec. 15, page 6, line 47, before "*included*" by inserting: "*within the designated sphere of influence and is not*".

Amend sec. 15, page 7, by deleting line 2 and inserting: "*city must hold one or more public hearings. Notice of the time and place of the hearing must be mailed to all owners of real property in the proposed program of annexation. At the public hearing the city shall consider:*".

Amend sec. 15, page 7, line 12, by deleting: "*governing body of a*".

Amend sec. 15, page 7, line 14, by deleting: "*governing body of the*".

Amend sec. 15, page 7, lines 18 and 19, by deleting: "*governing body of*" and inserting "*county or*".

Amend sec. 15, page 7, between lines 20 and 21 by inserting:

"*5. After certification of a program of annexation pursuant to subsection 4, any facilities plan, capital improvement program, development project or location of facilities by a county, a city, an annexation commission, a regional planning commission, the governing board or any other affected entity must be consistent with the certified program of annexation.*".

Amend sec. 16, page 7, by deleting lines 21 through 24 and inserting:

"Sec. 16. *1. The land proposed for annexation by a certified program of annexation must be contiguous to the annexing city unless:*

*(a) The proposal is a voluntary annexation;*

*(b) The timing of the proposal is consistent with the certified program of annexation; and*

*(c) The services and facilities required for the development of the land proposed for annexation will be provided upon annexation.*

*2. The annexation of the land must not have the effect of creating an island of 40 acres or less.*".

Amend sec. 18, page 7, line 36, by deleting "*intergovernmental*" and inserting "*interlocal*".

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

"Sec. 18.5. NRS 268.620 is hereby amended to read as follows:

268.620 "Executive officer" means:

1. With respect to a city annexation commission, the county manager or like administrative officer of the county.

2. *With respect to a city annexation commission in a county that has executed an interlocal agreement pursuant to subsection 2 of NRS 268.626, the director of regional planning.*

*3.* With respect to a board of county commissioners, the county manager or like administrative officer of the county, or the clerk of such board.".

Amend sec. 19, page 8, line 9, by deleting "*intergovernmental*" and inserting "*interlocal*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. NRS 268.628 is hereby amended to read as follows:

268.628 1. The first members [shall] *must* be chosen by the respective bodies during the month of May 1967, and [shall] serve until the selection and qualification of their successors. Thereafter, members of the commission [shall] *must* be chosen by the respective bodies during the month of January of each odd-numbered year, and [shall] serve until the selection and qualification of their successors.

2. Any member who ceases to be a member of the body from which he was chosen [shall cease] *ceases* to be a member of the commission. Any vacancy [shall] *must* be filled by the body which made the original choice, for the unexpired term.

3. The chairman of the [board of county commissioners] *regional planning commission* shall serve as chairman of the commission. The members of the commission shall elect a vice chairman, who [shall preside] *presides* in the absence of the chairman.

4. Commission members shall serve without compensation but [shall] *must* be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office.".

Amend sec. 20, page 8, by deleting line 41 and inserting: "*hensive regional plan, area plan or master plan and any program of annexation adopted and certified pursu-*".

Amend sec. 21, page 9, by deleting lines 3 through 7 and inserting: "*shall:*

*(a) Disapprove a proposal for annexation that is determined by the regional planning commission to be inconsistent with the comprehensive regional plan or with a program of annexation that is adopted and certified pursuant to section 15 of this act.*

*(b) Approve a proposal for annexation that is consistent with the comprehensive regional plan and a program of annexation that is adopted and certified pursuant to section 15 of this act.*".

Amend sec. 21, page 9, line 9, by deleting "If" and inserting: "[If] *Except as otherwise provided in this subsection, if*".

Amend sec. 21, page 9, line 11, after the period by inserting: "*If a county and affected cities have executed an interlocal agreement to transfer the*

*duties of the annexation commission of the city to the regional planning commission, a county or city may appeal a determination of the regional planning commission in accordance with NRS 278.028.*".

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. NRS 268.650 is hereby amended to read as follows:

268.650 If the [commission disapproves the] annexation of territory to a city [, no] *is not approved, a* notice of intention to annex the same or substantially the same territory to that city [may] *must not* be filed with the commission for at least 1 year after the date of disapproval.".

Amend sec. 22, page 9, by deleting lines 36 through 39 and inserting: "*denied because of:*

*(a) A protest made pursuant to subsection 1, the regional planning commission shall review the program of annexation and the comprehensive regional plan and shall:*".

Amend sec. 22, page 9, line 40, by deleting "*(a) In*" and inserting: "*(1) Place the territory removed from the program of annexation in*".

Amend sec. 22, page 9, line 42, by deleting "*or*".

Amend sec. 22, page 9, line 43, by deleting "*(b) With*" and inserting: "*(2) Place the territory removed from the program of annexation, with*".

Amend sec. 22, page 9, by deleting line 46 and inserting: "*county; or*

*(3) Retain the territory within the program of annexation. This subparagraph does not preclude a subsequent proceeding with respect to all or part of that territory if the proceeding is commenced more than 1 year after the public hearing.*

*(b) A failure of the city to put into effect the program of annexation, the regional planning commission may direct that the territory be placed in a category in the comprehensive regional plan that allows the county to provide services to the territory.*".

Amend the bill as a whole by deleting sections 23 through 25.

Amend the title of the bill to read as follows:

"An Act relating to planning; requiring certain counties and cities to review projects of regional significance; authorizing certain cities to take actions relating to planning in its sphere of influence; requiring certain cities to adopt a program of annexation; authorizing certain counties and cities to adopt jointly a master plan; authorizing the regional planning governing board to adopt regulations and collect certain fees; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 648.

Bill read second time.

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

Amendment No. 1091.

Amend sec. 2, page 2, by deleting lines 4 through 7 and inserting: "majority of the members [present] *elected to the board* is required to take action with respect to any matter.

[4. The board may take action with respect to ministerial matters when five members of the board are present.]".

Amend sec. 3, page 2, lines 14 and 15, by deleting: "*, if created pursuant to section 8.4 of this act,*".

Amend sec. 4, page 2, line 22, by deleting "*may*" and inserting "*shall*".

Amend sec. 4, page 2, lines 28 and 29, by deleting: "*If a committee is created pursuant to subsection 1:*

*(a)*".

Amend sec. 4, page 2, line 32, by deleting "[(a)] *(1)*" and inserting "(a)".

Amend sec. 4, page 2, line 34, by deleting "[(b)] *(2)*" and inserting "(b)".

Amend sec. 4, page 2, line 35, by deleting "[(c)] *(3)*" and inserting "(c)".

Amend sec. 4, page 2, line 36, by deleting "[3.] *(b)*" and inserting "3.".

Amend sec. 4, page 2, line 38, by deleting "[4.] *(c)*" and inserting "4.".

Amend sec. 6, page 3, by deleting lines 32 and 33, and inserting:

"1. Develop [a regional plan] *and revise, as necessary, plans for regional facilities* for the present and future use of water resources within".

Amend sec. 6, page 3, by deleting lines 38 through 41 and inserting:

"*(b) Considers* existing statutes [or ordinances or] *and ordinances adopted by local governmental entities;*

*(c) Is consistent with and carries out the provisions of the comprehensive plans, area plans and master* plans for the use of land which are adopted by local governmental entities within the region [, and which recognizes and coordinates] *; and*

*(d) Recognizes and coordinates* the needs of the incorporated areas of".

Amend sec. 6, page 3, line 43, by deleting "water." and inserting: "water [.] *which are consistent with any other statutorily required plans.*".

Amend sec. 7, page 4, by deleting lines 22 through 42 and inserting:

"*Sec. 11.5. 1. If a final interlocal agreement concerning the water supply and water quality of the region has been approved by the governing board for regional planning in Washoe County and adopted by the governing bodies of Reno, Sparks and Washoe County, the board may expend money collected pursuant to section 8.6 only for purposes that are consistent with:*

*(a) The provisions of sections 2 to 14, inclusive, of this act;*

*(b) The provisions of a comprehensive regional plan related to the water supply and water quality of the region that is adopted by the governing board for regional planning in Washoe County pursuant to NRS 278.0276; and*

*(c) Any study or final interlocal agreement concerning the water supply and water quality of the region that has been approved by the governing board for regional planning in Washoe County and adopted by the governing bodies of Reno, Sparks and Washoe County.*

*2. If a final interlocal agreement concerning the water supply and water quality of the region has not been approved by the governing board for regional planning in Washoe County and adopted by the governing bodies of Reno, Sparks and Washoe County, the board may expend money collected pursuant to section 8.6 for the purposes set forth in subsection 1, but only after:*

*(a) Providing written notification of the proposed expenditure and receiving approval for the proposed expenditure from the governing board for regional planning in Washoe County; and*

*(b) Providing written notification of the expenditure to the city councils of Reno and Sparks.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 683.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 684.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 685.

Bill read second time.

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

Amendment No. 784.

Amend sec. 2, page 1, line 18, by deleting the semicolon and inserting: ", other than dams;".

Amend sec. 3, page 2, line 12, by deleting "30" and inserting "60".

Amend sec. 3, page 2, line 15, by deleting "60" and inserting "90".

Amend sec. 5, page 2, by deleting lines 43 through 48.

Amend sec. 5, page 3, by deleting line 1 and inserting: "3. Before the election may occur, an open-space plan must be adopted by".

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

"4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this section must be paid to the department of taxation in the form of remittances payable to the department of taxation. The department of taxation shall deposit the payments with the state treasurer for credit to the sales and use tax account in the state general fund. The state controller, acting upon the collection data furnished by the department of taxation, shall transfer monthly all fees, taxes, interest and penalties collected during the preceding month to the intergovernmental fund and remit the money to the county treasurer.

5. The money received from the tax imposed pursuant to subsection 4 must be retained by the county, or remitted".

Amend sec. 6, pages 3 and 4, by deleting lines 44 through 47 on page 3 and lines 1 through 3 on page 4, and inserting: "3. Before the election occurs, an open-space plan must be adopted by the".

Amend sec. 6, page 4, between lines 6 and 7 by inserting:

"4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid pursuant to this section must be paid to the department of taxation in the form of remittances payable to the department of taxation. The department of taxation shall deposit the payments with the state treasurer for credit to the sales and use tax account in the state general fund. The state controller, acting upon the collection data furnished by the department of taxation, shall transfer monthly all fees, taxes, interest and penalties collected during the preceding month to the intergovernmental fund and remit the money to the county treasurer.".

Amend sec. 8, page 4, by deleting line 14 and inserting: "Sec. 8. 1. The".

Amend sec. 8, page 4, by deleting lines 16 and 17 and inserting: "more but less than 400,000, may levy an ad valorem tax at the rate of up to 1 cent on each $100 of".

Amend sec. 8, page 4, by deleting lines 24 through 26 and inserting:

"2. The department of taxation shall add an amount equal to the rate of any tax imposed pursuant to this section multiplied by the total assessed valuation of the county to the allowed revenue from taxes ad valorem of the county.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 726.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1138.

Amend section 1, pages 1 and 2, by deleting lines 24 and 25 on page 1 and lines 1 through 9 on page 2, and inserting: "disputed claim while the dispute is in arbitration, except that, if the insurer prevails in the arbitration, the primary treating physician or chiropractor may not recover any payment from either the insurer, *the* insured person or the patient for services that he provided to the patient after receiving written notice from the insurer pursuant to subsection 3 concerning the appeal of the insured person.".

Amend sec. 2, page 2, by deleting lines 34 through 44, and inserting: "disputed claim while the dispute is in arbitration, except that, if the insurer prevails in the arbitration, the primary treating physician or chiropractor may not recover any payment from either the insurer, *the* insured person or the patient for services that he provided to the patient after receiving written notice from the insurer pursuant to subsection 3 concerning the appeal of the insured person.".

Amend sec. 4, page 3, by deleting lines 27 through 37, and inserting: "disputed claim while the dispute is in arbitration, except that, if the insurer prevails in the arbitration, the primary treating physician or chiropractor may not recover any payment from either the insurer, *the* insured person or

the patient for services that he provided to the patient after receiving written notice from the insurer pursuant to subsection 3 concerning the appeal of the insured person.".

Amend sec. 5, page 4, by deleting lines 13 through 23 and inserting: "disputed claim while the dispute is in arbitration, except that, if the insurer prevails in the arbitration, the primary treating physician or chiropractor may not recover any payment from either the insurer, *the* insured person or the patient for services that he provided to the patient after receiving written notice from the insurer pursuant to subsection 2 concerning the appeal of the insured person.".

Amend sec. 6, page 5, by deleting lines 2 through 9 and inserting: "*disputed claim while the dispute is in arbitration, except that, if the insurer prevails in the arbitration, the primary treating physician or chiropractor may not recover any payment from either the insurer, the insured person or the patient for services that he provided to the patient after receiving written notice from the insurer pursuant to subsection 3 concerning the appeal of the insured person.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "medical or chiropractic care;".

Amend the summary of the bill to read as follows:

"Summary—Requires various policies of insurance to provide expedited procedure for arbitration to resolve disputes concerning independent evaluations of medical or chiropractic care. (BDR 57-1247)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 758.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 906.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the title of the bill, first and second lines, by deleting: "requiring that policies of health insurance include coverage for certain emergency medical treatment;".

Amend the summary of the bill to read as follows:

"Summary—Requires commissioner of insurance to adopt regulations relating to disclosure of coverage for emergency medical treatment. BDR 57-1424".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 806.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1089.

Amend sec. 20, pages 7 and 8, by deleting lines 21 through 47 on page 7 and lines 1 through 18 on page 8, and inserting:

"202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatrist, psychologist, optician, optometrist, [or] doctor of [traditional] Oriental medicine [.] *or doctor of acupuncture.*

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University of Nevada System and used for any university purpose.

(2) The State of Nevada or any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.".

Amend the bill as a whole by adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. Section 20 of this act becomes effective at 12:02 a.m. on October 1, 1991.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 267.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 943.

Amend sec. 10, page 2, by deleting lines 30 through 32 and inserting: "*or modify an automated teller installed before October 1, 1991.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 790 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 790.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1139.

Amend section 1, page 1, by deleting lines 11 through 13 and inserting:

"(c) Identification of [the vehicle or vehicles] *each such vehicle* to be used [;] and *certification that it is owned or the subject of a long-term lease by the employer;*

*(d) That each such vehicle is registered to and operated by the employer; and*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 71, 80, 86, 245, 423, 466, 469, 488, 492, 511, 521, 567, 609, 635, 667, 669, 706, 709, 743, 750, 765, 770; Senate Bills Nos. 148, 237, 288, 319, 320, 367, 380, 404, 491, 499, 509, 589, 593; Assembly Concurrent Resolution No. 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Georgia Tachoires.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 11, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:29 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-SECOND DAY

CARSON CITY (Tuesday), June 11, 1991

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Most gracious God, it is with grateful hearts that we acknowledge our absolute dependence upon You this day. You are the giver and sustainer of all life and we are thankful for the life that You have provided for each and every one of us. We know that through our living experiences we gain knowledge. We ask today for the ability to be able to use that knowledge wisely. Help each member of this Assembly to be wise and not merely knowledgeable. Help them to be caring with respect to the people of the State of Nevada. For it is in Thy precious name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Assembly Bill No. 788; Senate Bill No. 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 508, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 766, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 8, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 428, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 10, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 646.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 222, 269, 385, 427, 451, 553, 578, 606, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 455 and requests a conference, and appointed Senators Vergiels, Shaffer and Townsend as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 160, 557.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 75, 246, 564.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## COMMUNICATIONS

June 7, 1991

TO THE HONORABLE MEMBERS OF THE NEVADA LEGISLATURE, Carson City, Nevada 89710

No one could have felt more surprised, touched and pleased than I did on opening that big box yesterday containing the framed Resolution 93 with such kind, thoughtful words honoring my husband, Graham Erskine. What a wonderful tribute and how it would have pleased him! He loved living in Nevada, was always concerned about his fellow citizens, and was proud of your building and its function. Your recognition has a special meaning for us.

In his name and for his family, his friends and myself, I send heartfelt thanks to each one of you. I feel very lucky.

Sincerely,

JEANNE ERSKINE

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 63.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted, as amended.

Senate Joint Resolution No. 23:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 160.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 557.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bills Nos. 683, 684 and 806 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 647 be placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 529 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 456:

YEAS—42.

NAYS—None.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 756.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Assembly Bill No. 756:

YEAS—41.

NAYS—None.

Not voting—Carpenter.

Assembly Bill No. 756 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 647 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 529.

Bill read third time.

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

Amendment No. 1184.

Amend section 1, pages 1 and 2, by deleting lines 12 through 23 on page 1 and lines 1 through 22 on page 2, and inserting:

"*3. A person is not required to accept a cost-of-living increase pursuant to this section.*

*4. The money allocated for cost-of-living increases pursuant to subsection 2 must be transferred to the fund for cost-of-living increases which is hereby created as a trust fund, and invested by the system pursuant to NRS 616.497 to 616.499, inclusive. Any interest or other income earned by the system on the money in the fund must be credited to the fund.*

*5. A self-insured employer shall provide cost-of-living increases in the manner set forth in this section to persons who would be entitled to receive those increases if the provisions of this section were applicable to the employer.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated as sec. 2, following section 1, to read as follows:

"Sec. 2. 1. Each person who is receiving compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 is entitled to receive a cost-of-living increase of 1 percent on July 1, 1991, if:

(a) The injury for which the compensation is being received occurred before July 1, 1975; and

(b) His income for the 1990 calendar year was less than $7,670.

2. A person is not required to accept a cost-of-living increase pursuant to this section.

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

Amend sec. 2, page 2, line 23, by deleting "adjustments" and inserting "increases".

Amend the title of the bill, fourth line, after "benefits;" by inserting: "creating the fund for cost-of-living increases;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 627, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bills Nos. 255, 678, 708, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 810, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 255, 406, 678, 708, 766, 788, 810; Senate Bills Nos. 508, 562, 587 and 627 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 647.

Bill read third time.

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

Amendment No. 1208.

Amend sec. 6.5, page 2, line 27, by deleting "*30*" and inserting "*25*".

Amend sec. 12, page 6, by deleting lines 22 and 23 and inserting: "*shall be deemed that the commission has made a finding that the project conforms with the regional plan.*".

Amend sec. 12, page 6, by deleting lines 30 through 32 and inserting: "*days after receipt, consider any such recommendations and direct such changes in the project as are necessary to assure the consistency of the proposal with the adopted regional plan.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1146.

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 634.020 is hereby amended to read as follows:

634.020 1. The Nevada state board of chiropractic examiners, consisting of six members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) Five members who are:

(1) [Graduates of chiropractic schools or colleges giving a course of study embracing the following subjects: Anatomy, bacteriology, chiropractic theory and practice, diagnosis or analysis, elementary chemistry and toxicology, histology, hygiene and sanitation, obstetrics and gynecology, pathology, physiology and symptomatology;] *Residents of this state;*

(2) Licensed [under] *in accordance with* this chapter; and

(3) [Actually] *Actively* engaged in the practice of chiropractic in this state and who have been so engaged in this state for at least [3] *5* years preceding their appointment.

(b) One member who is a representative of the general public.

3. [At least two of the appointees must have had a course in physiotherapy in a school or college of chiropractic.] Not more than two persons who are resident graduates of the same school or college of chiropractic may serve simultaneously as members of the board. *Not more than two members of specialty boards and not more than one member of an individual specialty board may serve simultaneously as members of the board.*

4. The member who is a representative of the general public shall not participate in preparing any examination required by the board.

*5. The governor may remove a member of the board for incompetence, neglect of duty, gross immorality or malfeasance in office.*".

Amend the bill as a whole by adding new sections designated sections 6.2, 6.4 and 6.6, following sec. 6, to read as follows:

"Sec. 6.2. NRS 634.123 is hereby amended to read as follows:

634.123 The board may issue a certificate to a properly qualified applicant to perform ancillary services relating to chiropractic, other than chiropractic adjustment [,] *and manipulation,* under the *direct* supervision of a chiropractor. The board shall specify the formal training, including at least 12 months of study or the equivalent, which [such] an applicant must have completed before the board awards him a certificate as a chiropractor's assistant.

Sec. 6.4. NRS 634.125 is hereby amended to read as follows:

634.125 A chiropractor's assistant may perform such ancillary services relating to chiropractic as he is authorized to perform under the terms of a certificate issued to him by the board. Those services must be rendered under the *direct* supervision and control of a chiropractor.

Sec. 6.6. NRS 634.127 is hereby amended to read as follows:

634.127 No chiropractor may [employ] *supervise* more than two chiropractor's assistants at the same time.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1062.

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.5 of this act.

Sec. 1.3. *1. In determining whether circumstances require a temporary increase in*".

Amend section 1, page 1, line 4, by deleting "*administra-*".

Amend section 1, page 1, by deleting lines 5 through 7.

Amend section 1, page 1, line 8, by deleting, "*(c) The*" and inserting: "*taxicab authority shall consider the*".

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: "*customers of taxicabs.*".

Amend section 1, page 1, line 13, by deleting "*administrator*" and inserting "*taxicab authority*".

Amend section 1, page 1, line 16, by deleting "*administrator*" and inserting "*taxicab authority*".

Amend section 1, page 1, line 18, after the semicolon by inserting "*and*".

Amend section 1, page 1, line 19, by deleting "*allocation; and*" and inserting "*allocation.*".

Amend section 1, page 1, by deleting lines 20 through 23.

Amend section 1, page 2, line 1, by deleting "*5.*" and inserting "*4.*".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *1. When the taxicab authority has reason to believe that any provision of NRS 706.881 to 706.885, inclusive, and sections 1.3 and 1.5 of this act, is being violated, the taxicab authority shall investigate the alleged violation. After a hearing the taxicab authority may issue an order requiring that the certificate holder cease and desist from any action that is in violation of NRS 706.881 to 706.885, inclusive, and sections 1.3 and 1.5 of this act.*

*2. The taxicab authority shall enforce an order issued pursuant to subsection 1 in accordance with the provisions of NRS 706.881 to 706.885, inclusive, and sections 1.3 and 1.5 of this act.*".

Amend sec. 2, page 2, line 4, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 2, page 2, line 13, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 3, page 2, line 18, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 3, page 2, line 34, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 5, page 2, line 41, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 5, page 2, line 42, by deleting "*section 1*" and inserting: "*sections 1.3 and 1.5*".

Amend sec. 5, page 3, line 5, by deleting "*administrator*" and inserting "*taxicab authority*".

Amend sec. 5, page 3, line 9, by deleting "*section 1*" and inserting "*section 1.3*".

Amend sec. 6, page 3, by deleting lines 10 through 25 and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 7, page 3, line 29, by deleting "consider:" and inserting "consider [:".

Amend sec. 7, page 3, line 32, by deleting "The" and inserting "The] *the*".

Amend sec. 7, page 3, line 33, by inserting an open bracket before "public".

Amend sec. 7, page 3, by deleting line 35, and inserting: "proper.] *customers of taxicabs.*".

Amend section 7, page 3, line 45, by deleting "*newly*" and inserting "*additionally*".

Amend sec. 7, page 4, line 3, after the period by inserting: "*The taxicab authority may limit:*

*(a) The geographical area from which service is offered or provided.*

*(b) The hours of service. Such a limitation must not reduce hours of service to less than 12 consecutive hours in a 24-hour period.*

*If a limitation is placed on an allocation, taxicabs must be marked in a distinctive manner that indicates the limitation.*".

Amend sec. 9, pages 4 and 5, by deleting lines 34 through 48 on page 4 and lines 1 through 3 on page 5 and inserting:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 13, page 6, by deleting line 37 and inserting: "*for more than 4 model years or 52 months, whichever period is longer.*".

Amend the bill as a whole by deleting sections 16 and 17 and inserting:

"Secs. 16 and 17. (Deleted by amendment.)".

Amend sec. 19, page 9, by deleting lines 14 through 42 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 20, page 10, by deleting lines 20 and 21 and inserting:

"4. The physician's certificate required by this section [shall expire] *expires* 3 years after the date of issuance and may be renewed.".

Amend the bill as a whole by deleting sections 22 and 23 and inserting:

"Secs. 22 and 23. (Deleted by amendment.)".

Amend sec. 24, page 12, by deleting lines 39 and 40.

Amend sec. 24, page 12, by deleting lines 47 and 48 and inserting:

"(c) [Third offense: A] *For a third offense, a* fine of not more than $500.".

Amend sec. 25, page 13, line 17, by deleting "*$5,000*" and inserting "*$1,000*".

Amend sec. 25, page 13, by deleting lines 25 through 28.

Amend sec. 25, page 13, line 29, by deleting "*4.*" and inserting "3.".

Amend sec. 25, page 13, line 35, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 25, page 13, line 38, by deleting "[5.] *6.*" and inserting "5.".

Amend the title of the bill, fourth line, by deleting "fees and".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblymen Krenzer and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 678.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1136.

Amend sec. 6, page 2, line 17, by deleting: "facilities for demonstrations," and inserting: "[facilities for demonstrations,]".

Amend sec. 12, page 3, by deleting lines 34 through 39 and inserting:

"Sec. 12. (Deleted by amendment.)".

Amend sec. 13, page 3, line 41, by deleting "*demonstrator,*".

Amend sec. 14, page 4, line 5, before "facility" by inserting an open bracket.

Amend sec. 14, page 4, line 6, by deleting "a cosmetological" and inserting "a] cosmetological".

Amend sec. 14, page 4, lines 10 and 11, by deleting: "*or facility for demonstration*".

Amend sec. 14, page 4, line 18, by deleting: "facility for demonstrations or a" and inserting: "[facility for demonstrations or a]".

Amend sec. 15, page 4, line 23, by deleting "establishment or" and inserting: "establishment . [or".

Amend sec. 15, page 4, by deleting line 24 and inserting: "ity for demonstrations within 3 days after the change.] The establishment".

Amend sec. 15, page 4, line 25, by deleting "*or facility*".

Amend sec. 15, page 4, line 26, by deleting "*or facility*".

Amend sec. 15, page 4, by deleting line 30 and inserting: "establishment, any changes in the physical".

Amend sec. 16, page 4, by deleting lines 32 through 38 and inserting: "Sec. 16. (Deleted by amendment.)".

Amend sec. 17, page 4, line 41, by deleting: "or a facility for demonstrations" and inserting: "[or a facility for demonstrations]".

Amend sec. 17, pages 4 and 5, by deleting line 46 on page 4 and lines 1 through 3 on page 5 and inserting: "gists at his establishment [.

3. The owner of a facility for demonstrations shall employ only persons licensed pursuant to this chapter.] *to provide cosmetological services.*".

Amend sec. 21, page 6, line 7, by deleting "*demonstrator,*".

Amend sec. 21, page 6, by deleting line 8 and inserting: "*instructor, manicurist or* school of cosmetology [or facility for demonstrations]".

Amend sec. 21, page 6, by deleting line 30 and inserting: "*establishment or school of cosmetology after the*".

Amend the bill as a whole by adding new sections designated sections 22 and 23, following sec. 21, to read as follows:

"Sec. 22. NRS 644.460 is hereby amended to read as follows:

644.460 1. The following persons are exempt from the provisions of this chapter:

(a) All persons authorized by the laws of this state to practice medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the United States Army, Navy, or Marine Hospital Service when engaged in the actual performance of their official duties, and attendants attached to those services.

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

*(d) Demonstrators, insofar as their usual and ordinary vocation and profession is concerned, when engaged in demonstrating the use of a cosmetic if:*

*(1) The demonstration is without charge to the person to whom the demonstration is given; and*

*(2) The demonstrator does not advertise a cosmetological service.*

*(e) Photographers, insofar as their usual and ordinary vocation and profession is concerned, if the photographer does not advertise cosmetological services and provides cosmetics without charge to the customer.*

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the department of prisons or the Caliente youth center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644.400.

(b) Notwithstanding the provisions of NRS 644.395, shall maintain a staff of at least one licensed instructor.

Sec. 23. This act becomes effective upon passage and approval.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 708.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1162.

Amend sec. 2, page 1, by deleting lines 18 through 22.

Amend sec. 2, page 2, by deleting lines 4 through 17 and inserting:

"Sec. 4. *Each certificate of installation issued by the division for a manufactured home or mobile home must include the following information:*

*1. The name of the administrator;*

*2. The address and telephone number of each office of the division;*

*3. The legal rights of owners of manufactured homes and mobile homes;*

*4. The procedure for filing a complaint with the administrator;*

*5. The procedure for resolution of disputes between owners of manufactured homes or mobile homes and persons licensed by the division; and*

*6. Any other information prescribed by the administrator.*".

Amend sec. 5, page 2, by deleting lines 19 and 20 and inserting: "*sions of sections 2, 3 and 4 of this act.*".

Amend sec. 6, page 2, line 37, by deleting "*or 4*".

Amend sec. 7, page 3, lines 2 and 3, by deleting: "and printing and distributing the labels".

Amend the title of the bill to read as follows:

"An Act relating to manufactured homes; requiring the administrator of the manufactured housing division of the department of commerce to publish a pamphlet containing certain information relating to manufactured and mobile homes; requiring each certificate of installation issued by the manufactured housing division for a manufactured or mobile home to include certain information relating to manufactured and mobile homes; requiring a dealer to provide each prospective purchaser of a manufactured or mobile home with the pamphlet published by the administrator; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 766.

Bill read second time.

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

Amendment No. 1152.

Amend sec. 2, page 1, line 4, after "*he*" by inserting: "*, or any independent contractor or subcontractor for whom he may be liable for providing coverage,*".

Amend sec. 9, page 3, line 24, by deleting "1 year" and inserting "6 months".

Amend sec. 9, page 3, line 26, after the period by inserting: "The provisions of this subsection do not apply to practice during the time that a previously issued license or other authorization has lapsed for nonrenewal or nonpayment of taxes or industrial insurance premiums.".

Amend sec. 12, page 4, line 25, after "an" by inserting "*insurer,*".

Amend sec. 12, page 4, line 30, after "*An*" by inserting "*insurer,*".

Amend sec. 12, page 4, line 42, after "*an*" by inserting "*insurer,*".

Amend the title of the bill, seventh line, after "tice;" by inserting: "prohibiting unlicensed persons from acting as insurers; providing a penalty;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 788.

Bill read second time.

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

Amendment No. 1063.

Amend section 1, pages 1 and 2, by deleting lines 2 through 24 on page 1 and lines 1 through 14 on page 2 and inserting:

"287.043 The committee on benefits shall:

1. Act as an advisory body on matters relating to group life, accident or health insurance, or any combination of these, a program to reduce taxable compensation or other forms of compensation other than deferred compensation, for the benefit of all state officers and employees and other persons who participate in the state's program of group insurance.

2. Except as otherwise provided in this subsection, negotiate and contract with the governing body of any public agency enumerated in NRS 287.010 which is desirous of obtaining group insurance for its officers, employees and retired employees by participation in the state's program of group insurance. The committee shall establish separate rates and coverage for those officers, employees and retired employees based on actuarial reports.

3. Give public notice in writing of proposed changes in rates or coverage to each participating public employer who may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

4. Purchase policies of life, accident or health insurance, or any combination of these, or a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this state or provide similar coverage through a plan of self-insurance for the

benefit of all eligible public officers, employees and retired employees who participate in the state's program. *Coverage so purchased or provided must, on and after October 16, 1992, meet the requirements of the Age Discrimination in Employment Act of 1967 (29 U.S.C. §§ 621 et seq.) as amended by the Older Workers Benefit Protection Act (Public Law 101-433).*

5. Consult the state risk manager and obtain his advice in the performance of the duties set forth in this section.

6. Except as otherwise provided in this Title, develop and establish other employee benefits as necessary.

7. Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.041 to 287.049, inclusive, including the establishment of:

(a) Fees for applications for participation in the state's program and for the late payment of premiums;

(b) Conditions for entry and reentry into the state's program by public agencies enumerated in NRS 287.010; and

(c) The levels of participation in the state's program required for employees of participating public agencies.

8. Appoint an independent certified public accountant. The accountant shall provide an annual audit of the plan and report to the committee and the legislative commission.

For the purposes of this section, "employee benefits" includes any form of compensation provided to a state employee pursuant to this Title except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:02 a.m. on October 1, 1991.".

Amend the title of the bill, first and second lines, by deleting: "committee on group insurance" and inserting: "committee on benefits".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 810.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 508.

Bill read second time and ordered to third reading.

Senate Bill No. 562.

Bill read second time.

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

Amendment No. 1085.

Amend sec. 3, page 1, after line 17, by inserting:

"*3. For the purposes of any debt limitation of a county or city, obligations issued pursuant to this section shall be deemed to be the respective*

*general obligations of the county and each of the cities in the same proportion as the percentage of the department's expenses paid by the county and each of the cities pursuant to the formula in effect at the time the obligations are issued.*".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 587.

Bill read second time and ordered to third reading.

Senate Bill No. 627.

Bill read second time and ordered to third reading.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 51, 462.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Garner, McGaughey and Bergevin as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 455.

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 28, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

| | |
|---|---|
| JOE ELLIOTT | LEONARD V. NEVIN |
| MORSE ARBERRY, JR. | VIRGIL M. GETTO |
| GAYLYN J. SPRIGGS | DEAN A. RHOADS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Porter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 28.

Remarks by Assemblyman Porter.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Porter, Callister and Scherer as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 28.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 840.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 483.330 is hereby amended to read as follows:

483.330 1. The department shall examine every applicant for a driver's license. The examination must include:

(a) A test of the applicant's ability to read and understand official devices used to control traffic;

(b) A test of his knowledge of practices for safe driving and the traffic laws of this state;

(c) Except as otherwise provided in subsection 2, a test of his eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of his ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he is to be licensed. The examination may also include such further physical and mental examination as the department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways.

2. The department may provide by regulation for the acceptance of a report from an ophthalmologist , *optician* or optometrist in lieu of an eye test by a driver's license examiner.

3. If the department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the department may, by regulation, provide for the acceptance of an affidavit from a:

(a) Past, present or prospective employer of the applicant; or

(b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

in lieu of an actual demonstration.".

Amend the title of the bill, seventh line, after "locations;" by inserting: "authorizing the department to accept a report from an optician in lieu of an eye test by a driver's license examiner;".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 385.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 919.

Amend section 1, page 1, line 18, by deleting "mental health" and inserting "head injuries".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 201.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 413.

The following Senate amendment was read:

Amendment No. 988.

Amend section 1, page 1, line 10, by deleting "*72 hours*" and inserting: "*3 working days*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 413.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 874.

Amend section 1, page 1, by deleting line 5 and inserting:

"2. *The state public defender shall provide to each participating county the total proposed budget of the state public defender by jurisdiction on or before December 1 of each even-numbered year. The budget must include the projected number of cases and the projected cost of services attributed to each county for the next biennium.*

*3.* Except as otherwise provided by [subsections 3 and 4,] *subsection 5,* in counties whose".

Amend section 1, page 1, line 9, by deleting "3." and inserting "[3.".

Amend section 1, page 1, by deleting lines 12 and 13 and inserting: "defender before July 1, of the succeeding year.".

Amend section 1, page 1, line 16, by deleting the brackets.

Amend section 1, page 1, by deleting lines 17 and 18.

Amend section 1, page 1, line 19, by inserting:

"5.] *4. Except as otherwise provided in subsection 5, if a board of county commissioners intends to create the office of county public defender, the board shall notify the state public defender in writing on or before March 1 of any odd-numbered year and the office may not be created before July 1 of the same year in which the notice was given.*

*5. If the county contribution approved by the legislature exceeds the estimate provided to the county on December 1 by more than 10 percent for either year of the biennium, the board of county commissioners may create the office of county public defender on July 1 of the next even-numbered year if the board notifies the state public defender on or before March 1 of the same year in which the office is to be created.*

*6. On or before November 1 of each year, the state public defender shall provide each county with an annual report that includes:*

*(a) The number of cases that are pending in the county;*

*(b) The number of cases in the county that were closed in the previous fiscal year;*

*(c) The total number of criminal defendants represented with separate categories specifying the crimes charged and whether the defendant was a juvenile or an adult;*

*(d) The total number of working hours spent by the state public defender and his staff on work for the county; and*

*(e) The amount and categories of expense of the state public defender's office.*

*7.*".

Amend section 1, page 1, line 21, by deleting "6." and inserting "[6.] *8.*".

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

"Sec. 2. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the state public defender may collect from the counties amounts which do not exceed those authorized by the legislature for use of his services during that year.

2. The state public defender shall submit [a bill] to the county *an estimate* on or before the [15th] *first* day of May and [the] *that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the legislature. The* county shall pay the bill:

(a) In full [on or before the 20th day of July;] *within 30 days after the estimate becomes the final bill or the county receives the revised estimate;* or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

The counties shall pay their respective amounts to the state public defender who shall deposit the amounts with the treasurer of the State of Nevada and shall expend the [funds] *money* in accordance with his approved budget.".

Amend the title of the bill, third line, after the semicolon by inserting: "revising the provisions governing the billing of counties for the services of the state public defender;".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 114.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 269.

The following Senate amendment was read:

Amendment No. 471.

Amend section 1, page 1, line 9, by deleting "$4" and inserting "[$4] *$9*".

Amend the title of the bill to read as follows:

"An Act relating to marriage licenses; increasing certain fees for such licenses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Increases certain fees for marriage licenses. (BDR 11-372)".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 269.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Gibbons.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

The following Senate amendment was read:

Amendment No. 1013.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 2. *1. The welfare division of the department of human resources shall pre-*".

Amend section 1, page 2, line 6, by deleting: "*every 6 months.*" and inserting "*annually.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. *1. The welfare division of the department of human resources shall establish a register of children with special needs. The register must include descriptive information on every child with special needs for whom a prospective adoptive parent is not identified within 3 months after the child becomes available for adoption, but must not include any personal information which reveals the identity of the child or his parents. A copy of the register must be made available for review by prospective adoptive parents at each office of the welfare division.*

*2. As used in this section, "child with special needs" means a child for whom placement with an adoptive parent is, in the opinion of the state welfare administrator or his designee, made more difficult because of the child's age, race or number of siblings, or because the child suffers from a severe or chronic medical, physical, mental or emotional condition.*".

Amend sec. 3, page 2, by deleting lines 39 and 40 and inserting: "*2. The division shall not*".

Amend the title of the bill by deleting the second and third lines and inserting: "resources to prepare, revise and distribute a booklet on adoption; requiring the division to establish a register of children with special needs; and providing".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 606.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

The following Senate amendment was read:

Amendment No. 1010.

Amend the bill as a whole by adding new sections designated sections 4 through 7, following sec. 3, to read as follows:

"Sec. 4. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as *otherwise* provided in subsection 2, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

| | |
|---|---|
| If the sum claimed does not exceed $1,000 | $25.00 |
| If the sum claimed exceeds $1,000 but does not exceed $5,000 | 35.00 |
| In all other civil actions | 25.00 |

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

| | |
|---|---|
| If the sum claimed does not exceed $500 | 10.00 |
| If the sum claimed exceeds $500 but does not exceed $1,500 | 20.00 |
| If the sum claimed exceeds $1,500 but does not exceed $2,500 | 30.00 |

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

| | |
|---|---|
| In all civil actions | 10.00 |
| For every additional defendant, appearing separately | 5.00 |

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

| | |
|---|---|
| (e) For the filing of any paper in intervention | 5.00 |
| (f) For the issuance of any writ of attachment, writ of garnishment, writ of execution, or any other writ designed to enforce any judgment of the court | 5.00 |
| (g) For filing a notice of appeal, and appeal bonds | 10.00 |

One charge only may be made if both papers are filed at the same time.

| | |
|---|---|
| (h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court | 10.00 |
| (i) For preparation and transmittal of transcript and papers on appeal | 10.00 |
| (j) For celebrating a marriage during business hours on weekdays and returning the certificate to the county recorder | 25.00 |
| (k) For celebrating a marriage on Saturdays, Sundays, legal holidays or during any hours other than business hours and returning the certificate to the county recorder | 30.00 |
| (l) For entering judgment by confession | 5.00 |
| (m) For preparing any copy of any record, proceeding or paper, for each page | .25 |

(n) For each certificate of the clerk, under the seal of the court... 2.00
(o) For searching records or files in his office, for each year..... 1.00
(p) For filing and processing each bail or property bond..[20.00] *40.00*

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except *for the* fees [which] he may retain as compensation [.] *and the fees he must pay to the state treasurer pursuant to subsection 4.*

*4. The justice of the peace shall, on or before the fifth day of each month, pay to the state treasurer half of the fees collected pursuant to paragraph (p) of subsection 1 during the preceding month. The state treasurer shall deposit the money in the fund for the compensation of victims of crime.*

Sec. 5. NRS 697.190 is hereby amended to read as follows:

697.190 1. Every applicant for a property bondsman's, bail agent's or bail solicitor's license shall file with the application, and thereafter maintain in force while so licensed, a bond in favor of the people of the State of Nevada executed by an authorized surety insurer. The bond may be continuous in form with total aggregate liability limited to payment as follows:

(a) Property bondsman..... $50,000
(b) Bail agent.....[2,500] *25,000*
(c) Bail solicitor.....[1,000] *10,000*

2. The bond [shall] *must* be conditioned upon full accounting and payment to the person entitled thereto of [funds,] *money,* property or other matters coming into the licensee's possession through bail bond transactions under the license.

3. The bond [shall] *must* remain in force until released by the commissioner, or canceled by the surety. Without prejudice to any liability previously incurred [thereunder,] *under the bond,* the surety may cancel the bond upon 30 days' advance written notice to both the licensee and the commissioner.

Sec. 6. 1. A license to act as a bail agent or bail solicitor issued pursuant to chapter 697 of NRS before October 1, 1991, expires on April 1, 1992, unless:

(a) On or before that date, the holder of the license complies with the provisions of NRS 697.190, as amended by this act; or

(b) The license expires or is otherwise terminated before that date.

2. Except as otherwise provided in subsection 1, the amendatory provisions of section 5 of this act do not affect the validity of a license to act as a bail agent or bail solicitor issued pursuant to chapter 697 of NRS before October 1, 1991.

Sec. 7. Section 4 of this act becomes effective at 12:02 a.m. on October 1, 1991.".

Amend the title of the bill, third line, after "circumstances;" by inserting: "changing the amount and disposition of the proceeds of the fee for filing a bail bond in a justice's court; increasing the bond required for a license as a bail agent or bail solicitor;".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 578.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 553.

The following Senate amendment was read:

Amendment No. 1018.

Amend sec. 2, page 2, line 31, by deleting: "[Where a] *A*" and inserting "A".

Amend sec. 2, page 2, by deleting lines 34 and 35.

Amend sec. 2, page 2, line 36, by deleting "*(h) The*" and inserting "(h) The".

Amend sec. 2, page 2, line 38, by deleting: "proprietor [.] *; or*" and inserting "proprietor;".

Amend sec. 2, page 2, between lines 38 and 39, by inserting:

"(i) A licensed gaming partnership is dissolved and the assets of the gaming establishment are transferred to a corporation, at least 80 percent of the stock of which is held by the former partnership interests; [or]

(j) A licensed gaming partnership is dissolved or reorganized and the assets of the gaming establishment are transferred to a partnership, at least 80 percent of the ownership of which is held by the former partnership interests [.] *; or*".

Amend sec. 2, page 2, line 39, by deleting "*(i)*" and inserting "*(k)*".

Amend sec. 2, page 2, line 43, by deleting "*otherwise*" and inserting "otherwise".

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

"Sec. 8. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 553.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 996.

Amend sec. 2, page 1, line 8, after "inclusive," by inserting: "[and] sections 2 and 3 of [this act,] *Assembly Bill No. 554 of this session,*".

Amend sec. 5, page 2, lines 35 and 36, by deleting: "*a junket representative.*" and inserting: "*an independent agent.*".

Amend sec. 7, page 4, line 19, by deleting "*junket representatives*" and inserting "*independent agents*".

Amend sec. 7, page 4, lines 22 and 23, by deleting: "*a junket representative*" and inserting: "*an independent agent*".

Amend sec. 7, page 4, line 28, by deleting "city." and inserting: "city [.] , *except that an independent agent is not required to hold a work permit if he is not a resident of this state and has registered with the board in accordance with the provisions of the regulations adopted by the commission.*".

Amend sec. 7, page 4, line 29, by deleting "*junket representative*" and inserting: "*an independent agent*".

Amend sec. 7, page 4, line 39, by deleting "holder of" and inserting: "holder of] *A gaming employee who is issued*".

Amend sec. 7, page 4, line 41, by deleting the bracket and inserting: "*An independent agent who is issued a work permit must obtain renewal of the permit from the issuing agency within 10 days after executing an agreement to serve as an independent agent within the jurisdiction of the issuing agency.*".

Amend sec. 7, page 6, line 7, by deleting "All" and inserting: "Except as otherwise provided in this subsection, all".

Amend sec. 7, page 6, line 12, after the period by inserting: "Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board.".

Amend sec. 7, page 6, by deleting lines 19 through 26 and inserting:

"10. A work permit expires unless renewed [within 10 days after a change of place of employment] *in accordance with subsection 4,* or if the holder thereof is not employed as a gaming employee *or does not serve as an independent agent* within the jurisdiction of the issuing authority for more than 90 days.".

Amend sec. 8, page 6, line 36, by deleting "*junket representative*" and inserting "*independent agent*".

Amend sec. 8, page 6, line 39, by deleting "*junket representative*" and inserting: "*an independent agent*".

Amend sec. 8, page 6, line 43, by deleting "*junket representative*" and inserting "*independent agent*".

Amend sec. 8, page 6, line 45, by deleting "*junket representative*" and inserting "*independent agent*".

Amend sec. 8, page 7, lines 4 and 5, by deleting "*junket representative*" and inserting "*independent agent*".

Amend sec. 8, page 7, line 42, by deleting: "*junket representative* whose work card" and inserting: "*an independent agent* whose work [card] *permit*".

Amend sec. 9, page 8, line 3, by deleting "*junket representative*" and inserting: "*the services of an independent agent*".

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

"Sec. 14. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, second line, by deleting "junket representatives" and inserting "independent agents".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 428.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Scherer.

Motion carried.

Bill ordered transmitted to the Senate.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 51.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 462.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 566, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

| | |
|---|---|
| ROBERT M. SADER | RAYMOND C. SHAFFER |
| VAL Z. GARNER | WILLIAM J. RAGGIO |
| JAMES W. MCGAUGHEY | NICHOLAS J. HORN |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 566.

Remarks by Assemblyman Sader.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Porter and Lambert as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 566.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 284, 429; Senate Bills Nos. 75, 127, 141, 178, 246, 564, 601, 618; Assembly Resolution No. 7.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 12, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-THIRD DAY

CARSON CITY (Wednesday), June 12, 1991

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Our loving, heavenly Father, we affirm the words of the Psalmist when he says, "Oh give thanks to the Lord for He is good, for His loving kindness is everlasting." Indeed, You have been good to us in numerous ways this week. We acknowledge that goodness. Continue Your mercy, Father, not because we deserve it but because we need it. Bless these assembled here today to do the work of government. May Your goodness and mercy be evident in their accomplishments and may You receive the glory. In Thy precious name we ask. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 660, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 11, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 772, 776.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 89, 299, 585, 650, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 24.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 173, 417.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 35, 526.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 28 and requests a second conference, and appointed Senators Townsend, Shaffer and O'Connell as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 28.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 61.

JANICE L. THOMAS
*Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 61:

Assemblyman Porter moved that the resolution be referred to the Committee on Education.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 355, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

| | |
|---|---|
| ROBERT M. SADER | DINA TITUS |
| JOHN C. CARPENTER | ERNEST E. ADLER |
| BERNIE ANDERSON | R. HAL SMITH |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 355.

Remarks by Assemblyman Sader.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 648.

Bill read third time.

Assemblyman Sader moved that Assembly Bill No. 648 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 685 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 726.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 726:

YEAS—42.
NAYS—None.

Assembly Bill No. 726 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 758.
Bill read third time.
Remarks by Assemblyman Norton.
Roll call on Assembly Bill No. 758:

YEAS—42.
NAYS—None.

Assembly Bill No. 758 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 790.
Bill read third time.
Remarks by Assemblyman Elliott.
Roll call on Assembly Bill No. 790:

YEAS—42.
NAYS—None.

Assembly Bill No. 790 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 810.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 810:

YEAS—42.
NAYS—None.

Assembly Bill No. 810 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 251.
Bill read third time.
Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 251:

YEAS—42.

NAYS—None.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 726, 758, 790 and 810 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 267:

YEAS—40.

NAYS—None.

Not voting—Arberry, Wendell Williams—2.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Remarks by Assemblymen Wong and Freeman.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 463.

Bill read third time.

The following amendment was proposed by Assemblyman Haller:

Amendment No. 1204.

Amend sec. 3, page 2, line 32, by deleting: "*according to the Julian calendar*".

Assemblyman Haller moved the adoption of the amendment.

Remarks by Assemblyman Haller.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblymen Bennett and Scherer.

Assemblyman Garner moved that Senate Bill No. 508 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Senate Bill No. 587.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 587:

YEAS—42.

NAYS—None.

Senate Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 627.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 627:

YEAS—42.

NAYS—None.

Senate Bill No. 627 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 660; Senate Bills Nos. 2, 366, 525, 540 be placed on the Second Reading File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 580 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Giunchigliani.

Assemblymen Price, Bache and Porter requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—21.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wong—21.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

SECOND READING AND AMENDMENT

Assembly Bill No. 660.

Bill read second time.

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

Amendment No. 1180.

Amend sec. 2, page 1, by deleting lines 13 through 15 and inserting:

"*(c) The regulated professions; and*

*(d) Private citizens.*".

Amend sec. 5, page 2, line 11, after "*The*" by inserting: "*legislative commission, on or before August 1 of each odd-numbered year, shall request the committee to review at least one agency during the period before the convening of the next general legislative session. Except as otherwise provided in NRS 232B.040, the*".

Amend sec. 5, page 2, line 12, after "*to the*" by inserting: "*legislative commission for review. The legislative commission shall transmit its recommendations to the*".

Amend sec. 7, page 2, by deleting lines 27 through 41 and inserting:

"232B.040 1. The [legislative commission shall conduct the reviews of agencies directed by the legislature to determine whether each] *legislature, by concurrent resolution, may direct the committee to conduct a review of any agency to determine whether the* agency should be terminated, consolidated with another agency or continued. [The legislative commission shall begin each review on July 1 of the second year preceding the scheduled date for terminating the agency.

2. The legislative commission shall determine the membership and method of appointment of committees or subcommittees appointed to carry out the reviews.

3. The legislative commission]

*2. The committee* shall transmit its review and recommendations *to the legislature if it is still in session or, otherwise, to the legislative commission for review and transmittal* to the legislature at the beginning of its next regular session.

*3. Any agency which is the subject of a review directed by the legislature or the legislative commission shall cooperate fully with the committee in its performance of the review.*".

Amend sec. 8, page 2, lines 43 and 44, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 9, page 3, line 11, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 9, page 3, lines 12 and 13, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 10, page 3, lines 44 and 45, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 11, page 4, line 5, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 11, page 4, line 14, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 12, page 4, line 19, by deleting: "legislative commission *or the committee*" and inserting: "[legislative commission] *committee*".

Amend sec. 12, page 4, by deleting lines 21 through 34 and inserting: "and the efficiency and effectiveness of its operation, the [legislative commission] *committee* shall determine whether its recommendation [to the legislature] should be that the agency be terminated, consolidated with another agency or continued.

2. If the legislative commission *or committee, when reporting directly to the legislature,* determines to recommend the termination of the agency, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the agency or by the absence of regulation by any other administrative agency. *Upon receipt of such a recommendation, the legislature shall take such action as it deems appropriate.*

3. If the legislative commission *or committee, when reporting directly to the legislature,* determines to recommend the consolidation or continuation of the agency, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the agency or its successor more efficient or effective. *Upon receipt of such a recommendation, the legislature shall take such action as it deems appropriate.*".

Amend the title of the bill, fourth and fifth lines, by deleting: "results to the legislature and the governor;" and inserting: "results and recommendations;".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Senate Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1181.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 8, to read as follows:

"Section 1. Chapter 38 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *Except as otherwise provided in NRS 38.215 and section 6 of this act, all civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed $25,000, must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.255 and sections 3 and 4 of this act.*

Sec. 3. *1. The supreme court shall adopt rules to provide for the establishment of a program of arbitration pursuant to section 2.*

*2. The supreme court, in association with the National Judicial College and State Bar of Nevada and other organizations, shall provide training in arbitration for attorneys and nonattorneys.*

*3. The district courts in each judicial district shall administer the program in their respective districts in accordance with the rules adopted by supreme court.*

*4. The supreme court may:*

*(a) Charge each person who applies for training as an arbitrator an application fee.*

*(b) Charge a fee to cover the cost of the training programs.*

Sec. 4. *In any civil action that is required to be submitted to arbitration pursuant to section 2 of this act, the supreme court may also authorize the use of settlement conferences and other alternative methods of resolving disputes that are available in the county in which the court is located, if the court determines that such participation would assist in the resolution of the dispute.*

Sec. 5. NRS 38.215 is hereby amended to read as follows:

38.215 1. Except as otherwise provided in subsection 2 [,] *and section 6 of this act,* all civil actions for damages for personal injury, death or property damage arising out of the ownership, maintenance or use of a motor vehicle, where the cause of action arises in this state and the amount in issue does not exceed [$15,000,] *$25,000,* must be submitted to arbitration, in accordance with the provisions of NRS 38.015 to 38.205, inclusive.

2. Subsection 1 does not apply to any such action [:

(a) Within] *within* the jurisdiction of the justice's court, unless the parties agree, orally or in writing, that the action will be submitted to arbitration or the justice's court so orders . [; or

(b) Within the jurisdiction of the district court of a judicial district in which a program of mandatory arbitration is in effect.]

Sec. 6. NRS 38.255 is hereby amended to read as follows:

38.255 1. [Upon petition by the district court of any judicial district or on its own initiative, the] *The rules adopted by the* supreme court [may adopt rules which] *pursuant to section 3 of this act to* provide guidelines for the establishment by a district court of a [voluntary or mandatory program for the arbitration of civil actions.] *program must include provisions for a:*

*(a) Mandatory program for the arbitration of civil actions pursuant to section 2 of this act.*

*(b) Voluntary program for the arbitration of civil actions if the cause of action arises in the State of Nevada and the amount in issue exceeds $25,000.*

*(c) Voluntary program for the use of binding arbitration in all civil actions.*

2. The rules must provide that the district court of any judicial district [may establish a program pursuant thereto, subject to the limitations of the budgets of the counties within the jurisdiction of the court.] *whose population is 100,000 or more:*

*(a) Shall establish programs pursuant to paragraphs (a), (b) and (c) of subsection 1.*

*(b) May set fees and charge parties for arbitration if the amount in issue exceeds $25,000.*

*The rules may provide for similar programs for the other judicial districts.*

3. The rules must exclude the following from any program of mandatory arbitration:

(a) Actions in which the amount in issue, excluding attorney's fees, interest and court costs, is more than [$15,000,] *$25,000* or less than the maximum jurisdictional amounts specified in NRS 4.370 and 73.010;

(b) Class actions;

(c) Actions in equity;

(d) Actions concerning the title to real estate;

(e) Probate actions; [and]

(f) Appeals from courts of limited jurisdiction [.] *;*

*(g) Actions for declaratory relief;*

*(h) Actions involving divorce or problems of domestic relations;*

*(i) Actions brought for relief based on any extraordinary writs;*

*(j) Actions for the judicial review of an administrative decision; and*

*(k) Actions in which the parties, pursuant to a written agreement executed before the accrual of the cause of action, have submitted the controversy to arbitration or any other alternative method for resolving a dispute.*

4. The rules must include [guidelines] *:*

*(a) Guidelines* for the award of attorney's fees and *maximum limitations on* the costs *to the parties* of the arbitration [and] *;*

*(b) Disincentives to appeal; and*

*(c) Provisions for* trial upon the exercise by either party of his right to a trial anew after the arbitration.

*5. The supreme court shall, on or before February 1 of each odd-numbered year, submit a report to the director of the legislative counsel bureau for transmittal to the chairmen of the assembly and senate standing committees on the judiciary. The report must include, for the period since the previous such report, if any:*

*(a) A listing of the number of actions which were submitted to arbitration or other alternative methods of resolving disputes pursuant to section 2 or 4 of this act and their manner of disposition;*

*(b) A statement of the amount of money collected in each judicial district pursuant to section 7 of this act and a summary of the manner in which the fees were expended; and*

*(c) Any recommendations for legislation or other information regarding the programs on arbitration deemed relevant by the supreme court.*

Sec. 7. Chapter 19 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. On the commencement of any civil action or proceeding in the district court for which a filing fee is required, and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required, the county clerk shall charge and collect a fee of $5 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.*

*2. On or before the first Monday of each month, the county clerk shall pay over to the county treasurer the amount of all fees collected by him pursuant to subsection 1 for credit to an account for programs of arbitration in the county general fund. The money in the account must be used only to support programs for the arbitration of civil actions pursuant to section 2 of this act.*

*3. The provisions of this section apply only in judicial districts in which a program of arbitration has been established pursuant to section 2 of this act.*

Sec. 8. 1. This section and sections 1 and 3 to 7, inclusive, of this act become effective on October 1, 1991.

2. Section 2 of this act becomes effective on July 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to arbitration; requiring arbitration of certain civil actions; authorizing arbitration of all civil claims; directing the supreme court to adopt rules to provide for the establishment of a program of arbitration; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 525.

Bill read second time and ordered to third reading.

Senate Bill No. 540.

Bill read second time and ordered to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:47 a.m.

## ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bills Nos. 683, 684, 806, 648 and 685 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 647 be placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 402 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Concurrent Resolutions Nos. 61 and 62 be taken from the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 641 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

### UNFINISHED BUSINESS

#### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 35, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

#### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen McGaughey, Bennett and Wong as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 35.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 279.

The following Senate amendment was read:

Amendment No. 770.

Amend sec. 6, page 4, line 15, by deleting "*shall*" and inserting "*may*".

Amend sec. 11, pages 6 and 7, by deleting lines 21 through 47 on page 6 and lines 1 through 5 on page 7 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 12, page 7, line 12, by deleting "*shall*" and inserting "*may*".

Amend sec. 18, pages 9 and 10, by deleting lines 29 through 46 on page 9 and lines 1 and 2 on page 10 and inserting:

"Sec. 18. The amendatory provisions of this act do not apply to any person who has been issued a license:

1. To practice medicine pursuant to chapter 630 of NRS;
2. To practice homeopathic medicine pursuant to chapter 630A of NRS; or
3. To practice osteopathic medicine pursuant to chapter 633 of NRS,

before the effective date of this act.".

Amend the title of the bill to read as follows:

"An Act relating to physicians; prohibiting the issuance of a license to practice as a physician, homeopathic physician or osteopathic physician if the applicant's license to practice medicine in another jurisdiction was revoked for gross medical negligence; authorizing the revocation of such a license for that reason; and providing other matters properly relating thereto.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 279.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 526, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Garner, Bergevin and Bennett as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 526.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 585.

The following Senate amendment was read:

Amendment No. 1108.

Amend sec. 8, page 5, by deleting lines 19 through 22 and inserting:

"*3. The place of use of water appropriated or otherwise acquired by an irrigation district may be within or outside the boundaries of the district, may include all or any part of the lands within the boundaries of the district and must be described in any application filed by the district to appropriate or otherwise acquire the water. Water appropriated or acquired by the district is appurtenant to and may be beneficially used and applied to lands anywhere within the described place of use.*".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 585.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Select Committee on Corrections, to which was re-referred Assembly Bill No. 804, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 280, 494, 535, 623.

JANICE L. THOMAS
*Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 61.

Assemblyman Lambert moved the adoption of the resolution.

Remarks by Assemblyman Lambert.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 62.

Assemblyman Lambert moved the adoption of the resolution.

Remarks by Assemblyman Lambert.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 280.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 494.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 535.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 623.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 673, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

## SECOND READING AND AMENDMENT

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1186.

Amend sec. 2, page 1, line 4, by deleting the period and inserting: "and the republic.".

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

"Sec. 3. 1. The commission for democracy and the republic, consisting of eight members,".

Amend sec. 3, page 1, line 17, after "state;" by deleting "and".

Amend sec. 3, page 1, line 19, by deleting the period and inserting "; and".

Amend sec. 3, page 1, between lines 19 and 20, by inserting:

"(f) One member who is a representative of the news media.".

Amend sec. 4, page 2, between lines 38 and 39 by inserting:

"5. The commission shall submit an annual financial report to the interim finance committee.".

Amend sec. 5, page 2, line 46, after "necessary" by inserting: "because of an emergency as defined in NRS 353.263 or".

Amend sec. 5, page 3, line 14, by deleting "under" and inserting "pursuant to".

Amend sec. 5, page 3, line 30, by deleting "Gifts" and inserting: "Gifts, including grants from nongovernmental sources,".

Amend sec. 7, page 4, line 3, after "*democracy*" by inserting: "*and the republic*".

Amend sec. 8, page 4, line 11, after "*democracy*" by inserting: "*and the republic*".

Amend sec. 9, page 4, line 14, after "democracy" by inserting: "and the republic".

Amend sec. 10, page 4, line 18, by deleting the colon and inserting: "and the republic:".

Amend sec. 10, page 4, line 21, by deleting: "One member to a term" and inserting: "Two members to terms".

Amend sec. 10, page 4, line 24, after "democracy" by inserting: "and the republic".

Amend sec. 10, page 4, line 26, after "democracy" by inserting: "and the republic".

Amend sec. 10, page 4, line 29, after "democracy" by inserting: "and the republic".

Amend the title of the bill, first line, after "democracy" by inserting: "and the republic".

Amend the title of the bill, fourth line, by deleting "democracy;" and inserting: "democracy and the republic;".

Amend the summary of the bill, first line, after "democracy" by inserting: "and the republic".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 683.

Bill read third time.

Remarks by Assemblymen Gibbons and Lambert.

Conflict of interest declared by Assemblyman Lambert.

Roll call on Assembly Bill No. 683:

YEAS—39.

NAYS—Spriggs.

Not voting—Lambert, Myrna Williams—2.

Assembly Bill No. 683 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 684.

Bill read third time.

Remarks by Assemblyman Johnson.

Roll call on Assembly Bill No. 684:

YEAS—40.

NAYS—None.

Not voting—Lambert, Myrna Williams—2.

Assembly Bill No. 684 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 806.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 806:
YEAS—36.
NAYS—Anderson, Elliott, Humke, Lambert, Spriggs—5.
Not voting—Myrna Williams.

Assembly Bill No. 806 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 648.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 648:
YEAS—41.
NAYS—None.
Not voting—Myrna Williams.

Assembly Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 685.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 685:
YEAS—34.
NAYS—Carpenter, Elliott, Gibbons, Heller, Humke, Lambert, Spriggs—7.
Not voting—Myrna Williams.

Assembly Bill No. 685 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 647.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 647:
YEAS—33.
NAYS—Carpenter, Elliott, Gibbons, Humke, Lambert, Little, McGaughey, Spriggs—8.
Not voting—Myrna Williams.

Assembly Bill No. 647 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 402.
Bill read third time.
Remarks by Assemblymen Sader and Wong.

Roll call on Senate Bill No. 402:

YEAS—34.

NAYS—Gibbons, Gregory, Hardy, Heller, Johnson, Little, Pettyjohn, Wong—8.

Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 647, 648, 683, 684, 685, 806; Assembly Concurrent Resolutions Nos. 61 and 62 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 673, 804; Senate Bill No. 149 be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 673.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1185.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, "criminal gang" means any combination of persons, organized formally or informally, so constructed that the organization will continue its operation even if individual members enter or leave the organization, which:*

*1. Has a common name or identifying symbol;*

*2. Has particular conduct, status and customs indicative of it; and*

*3. Has as one of its common activities engaging in criminal activity punishable as a felony, other than the conduct which constitutes the primary offense.*

Sec. 3. *1. Except as otherwise provided in subsection 6, the board of county commissioners of each county whose population is 400,000 or more shall levy a tax for the prevention and suppression of criminal gang activities. The board of county commissioners of a county whose population is less than 400,000 may levy such a tax.*

*2. The rate of the tax imposed pursuant to subsection 1 must not exceed, in the fiscal year 1991-92, 3 cents on each $100 of assessed valuation of taxable property within the county. In any fiscal year after the fiscal year 1991-92, the maximum allowable rate is the rate that would generate an amount of revenue that represents the same percentage of increase over the amount generated by a tax at the rate of 3 cents in the fiscal year 1991-92 as the percentage increase in the county's allowable revenue from taxes as*

*valorem for the fiscal year in which the tax is imposed represents over the county's allowable revenue from taxes as valorem for the fiscal year 1991-92.*

*3. The tax collected pursuant to subsection 1 and any interest earned from the investment of the proceeds of the tax:*

*(a) Must be accounted for separately in the county general fund; and*

*(b) Must be used to fund a task force in the office of the county sheriff or the sheriff of the metropolitan police department for the prevention and suppression of criminal gang activity and for the prosecution of crimes alleged to have been committed by members of criminal gangs. The money must not be used for any other purposes.*

*4. A tax levied pursuant to this section and its proceeds must be excluded in computing the maximum amount of money which the county is allowed to receive from taxes ad valorem. Notwithstanding the provisions of NRS 279.676, no portion of the taxes imposed pursuant to this section may be distributed to a redevelopment agency.*

*5. A county in which a tax is levied pursuant to this section must not reduce the amount spent from other sources for the prevention and suppression of criminal gang activities below the amount spent for that purpose in the 1990-1991 fiscal year.*

*6. If a tax is imposed in a county pursuant to this section, the question of continuing the imposition of the tax must be submitted to the voters of the county at the second general election following the imposition of the tax. If the voters do not approve continuing the imposition of the tax, the tax must not be imposed after the fiscal year in which the election is held unless subsequently approved by the voters of the county at a general election.*

Sec. 4. *1. In any county in which a tax is levied pursuant to section 3 of this act, the board of county commissioners shall create a board for the prevention and suppression of criminal gang activity to direct the administration of the proceeds of the tax. The board of county commissioners shall provide administrative and clerical support for the board.*

*2. The board for the prevention and suppression of criminal gang activity must consist of:*

*(a) A county commissioner appointed by the board of county commissioners, or his designee.*

*(b) A representative of the governing body of each of the three largest cities in the county or, if the county does not have three cities, from each city in the county, appointed by the governing body of each of the respective cities, or their designees.*

*(c) The county sheriff or the sheriff of the metropolitan police department, or his designee.*

*(d) The district attorney of the county or his designee.*

*(e) Except as otherwise provided in this paragraph, the chief of police of the two largest cities in the county, or their designees. If a metropolitan police department has been formed in the county, the chief of police of the two largest cities that have not merged their law enforcement agencies with the law enforcement agency of the county, or their designees, are members*

*of the board. If there are not two cities in the county that have not merged their law enforcement agencies with the law enforcement agency of the county, the chief of police of the city, if any, that has not so merged its law enforcement agency, or his designee, is a member of the board. If a metropolitan police department has not been formed and there are not two cities in the county, the chief of police of the city, if any, in the county, or his designee, is a member of the board.*

*(f) The ranking police officer of the gang unit of the county sheriff or the sheriff of the metropolitan police department.*

*(g) The ranking police officer of the gang unit of the police department for the city, if any, in the county with the greatest number of gang members, excluding any cities that have merged their law enforcement agencies with the law enforcement agency of the county. The determination of the city with the greatest number of criminal gang members must be made by the members of the board designated pursuant to paragraphs (a) to (f), inclusive.*

*3. The board shall:*

*(a) Estimate annually the amount of revenue that will be generated by the tax levied pursuant to section 3 of this act.*

*(b) Allocate a portion of the amount estimated pursuant to paragraph (a) for the prosecution of crimes alleged to have been committed by members of criminal gangs.*

*(c) Estimate the number of officers that the remaining revenue will support for the task force.*

*(d) Notify the county of the estimates made pursuant to paragraphs (a) and (c) and the allocation made pursuant to paragraph (b) for the purpose of including the funding for the task force and the prosecutions in the budget for the county.*

*(e) Estimate quarterly the number of criminal gang members there are in each city and in the unincorporated area of the county.*

Sec. 5. *1. The task force created with the revenue from the tax levied pursuant to section 3 of this act shall engage in activities that are directly related to the prevention or suppression of criminal gang activities, or both, particularly the prevention or suppression of drug-related offenses. The task force must be created within the office of the sheriff, but the resources of the task force must be allocated quarterly among each city in the county and the unincorporated area of the county in the same ratio as the estimated number of criminal gang members in the city or unincorporated area of the county bears to the total estimated number of criminal gang members in the county.*

*2. The board for the prevention and suppression of criminal gang activity created pursuant to section 4 of this act shall change the allocation of the resources of the task force in accordance with any change in the quarterly estimates of the number of criminal gang members in each city and in the unincorporated area of the county.*".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 6 and 7.

Amend sec. 3, page 2, by deleting line 42 and inserting:

"Sec. 6. Each county required to levy a tax pursuant to section 3 of this".

Amend sec. 3, page 2, by deleting lines 44 through 47.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 804.

Bill read second time.

The following amendment was proposed by the Select Committee on Corrections:

Amendment No. 1120.

Amend section 1, page 1, by deleting lines 9 through 13 and inserting:

"(e) One member representing the supreme court.

(f) One member representing the district judges of this state.

(g) One member representing the district attorneys of this state.

(h) One member representing attorneys engaged in the defense of criminal".

Amend section 1, page 1, line 15, by deleting "4." and inserting "3.".

Amend section 1, page 1, by deleting lines 18 through 20 and inserting:

"4. Each member of the committee who is appointed pursuant to subsection 3 or paragraph (d) of subsection 2 is entitled to receive a salary of $80 for each day during which he is in attendance at a regularly called meeting of the committee. While engaged in the business of the committee, all members and".

Amend section 1, page 1, line 23, by deleting "6." and inserting "5.".

Amend section 1, page 2, by deleting line 1 and inserting: "6. The department of administration shall provide such clerical and".

Amend sec. 3, page 2, line 16, by deleting: "parole and probation" and inserting "administration".

Amend sec. 5, page 2, by deleting line 22 and inserting: "department of administration the sum of $20,000 for expenses incurred".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 149.

Bill read second time and ordered to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 114, 201, 385, 413, 553, 578, 646; Senate Bills Nos. 173, 417.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 13, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:51 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-FOURTH DAY

CARSON CITY (Thursday), June 13, 1991

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Almighty Father, it is by Your hand that we receive all that we have. Help us to understand this important truth and apply it to our lives. Help us to be mindful of each blessing and thankful in response. Guide this Assembly today in the task to which they have been elected. Help them to be faithful in their responsibilities and wise in their expenditures of time. May their wisdom come from Your hand. In Your holy name we ask. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 655 and requests a conference, and appointed Senators Cook, Smith and Tyler as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 566 and requests a second conference, and appointed Senators Townsend, Nevin and Vergiels as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 566.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 651, and respectfully refused to concur in Assembly Amendment No. 757 to Senate Bill No. 68.

JANICE L. THOMAS
*Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 255 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Anderson and Gibbons as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 655.

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 1163.

Amend sec. 2, page 1, line 18, after "2" by inserting "*or 3*".

Amend sec. 2, page 2, line 1, after "2" by inserting "*or 3*".

Amend sec 2, page 2, line 3, by deleting "The" and inserting: "[The] *In a county whose population is less than 100,000, the*".

Amend sec. 2, page 2, line 35, after "3." by inserting: "*In a county whose population is 100,000 or more, the projects for which approval is required are proposals to establish either of the following services:*

*(a) The treatment of burns; or*

*(b) A center for the treatment of trauma.*

*4.*".

Amend sec. 2, page 2, line 39, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 2, page 2, line 44, by deleting "5." and inserting "[5.] *6.*".

Amend sec. 2, page 3, line 7, by deleting "6." and inserting "[6.] *7.*".

Amend sec. 2, page 3, line 14, by deleting "7." and inserting "[7.] *8.*".

Amend sec. 2, page 3, line 27, by deleting "8." and inserting "[8.] *9.*".

Amend sec. 2, page 3, line 32, by deleting "9." and inserting "[9.] *10.*".

Amend sec. 2, page 3, by deleting lines 34 and 35.

Amend the bill as a whole by renumbering sections 3 through 8 as sections 4 through 9 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 439A.120 is hereby amended to read as follows:

439A.120 1. Except as provided in subsection 2, any person who violates any of the provisions of this chapter is liable to the state for a civil penalty of:

(a) Where the provision violated governs the licensing of a project described in subsection 2 *or 3* of NRS 439A.100, not more than 10 percent of the proposed expenditure for the project.

(b) Where any other provision is violated, not more than $20,000 for each violation.

2. The department shall not impose a penalty under this section if it applies for injunctive relief to prevent the same violation.".

Amend the title of the bill, first line, by deleting: "to smaller counties".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 299.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Senate Bill No. 2 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Garner moved that Senate Bill No. 508 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 809, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 609, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 777, 800, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bill No. 597; Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 406.
Bill read third time.
Remarks by Assemblymen Krenzer and Scherer.
Conflict of interest declared by Assemblyman Scherer.
Roll call on Assembly Bill No. 406:

YEAS—41.
NAYS—None.
Not voting—Scherer.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 529.
Bill read third time.
Remarks by Assemblymen Stout and Wong.
Roll call on Assembly Bill No. 529:

YEAS—41.
NAYS—Little.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 678.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 678:

YEAS—42.
NAYS—None.

Assembly Bill No. 678 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 712 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Wendell Williams.
Motion carried.

Assemblyman McGinness moved that Assembly Bill No. 420 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman McGinness.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 708.
Bill read third time.
Remarks by Assemblymen Spriggs, Petrak, Stout and Porter.

Roll call on Assembly Bill No. 708:

YEAS—42.

NAYS—None.

Assembly Bill No. 708 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 766.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 766:

YEAS—41.

NAYS—Lambert.

Assembly Bill No. 766 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 788.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 788:

YEAS—42.

NAYS—None.

Assembly Bill No. 788 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 406, 529, 678, 708, 766 and 788 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:48 a.m.

## ASSEMBLY IN SESSION

At 12:15 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 462; Senate Joint Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 437, 560, 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 311, 346.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 467, 611, 631.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 58.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblyman McGinness.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 811—An Act making a supplemental appropriation to the state board of parole commissioners for the payment of retirement contributions for a former member; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 812—An Act relating to clean air; requiring the state environmental commission to conduct public hearings and submit a report concerning the use of alternative fuels in certain motor vehicles; requiring the state environmental commission to adopt the laws of California concerning certain tests for emissions from vehicles; requiring the state board of

agriculture to adopt certain standards for gasoline and diesel fuels for motor vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 311.

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

Motion carried.

Senate Bill No. 346.

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

Motion carried.

Senate Bill No. 467.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

Senate Bill No. 611.

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

Motion carried.

Senate Bill No. 631.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 149.

Bill read third time.

Remarks by Assemblyman Pettyjohn.

Roll call on Senate Bill No. 149:

YEAS—42.

NAYS—None.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblymen Carpenter and Pettyjohn.

Roll call on Senate Bill No. 525:

YEAS—37.

NAYS—Elliott, Gibbons, Pettyjohn, Stout, Wong—5.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 540.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 540:

YEAS—42.

NAYS—None.

Senate Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 255 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 437, 518, 560, 572, 597, 777, 800, 809; Senate Bills Nos. 57, 462, 609 and Senate Joint Resolution No. 23 be placed on the Second Reading File.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 562.

Bill read third time.

Remarks by Assemblymen Haller, Pettyjohn, Garner, Gibbons, Bergevin and Stout.

Roll call on Senate Bill No. 562:

YEAS—40.

NAYS—Pettyjohn, Mr. Speaker—2.

Senate Bill No. 562 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

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

Amendment No. 1243.

Amend sec. 4, page 2, by deleting line 25 and inserting:

"*3. Subsection 1 does not apply to:*

*(a) An employee who consumes alcohol in the course of his employment while hosting or attending a special event.*

*(b) A peace officer who possesses a con-*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

The following amendment was proposed by Assemblyman Bennett:

Amendment No. 1242.

Amend sec. 5, page 2, line 27, by deleting "*3 or*" and inserting "*5 of*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 712.

Bill read third time.

The following amendment was proposed by Assemblyman Wendell Williams:

Amendment No. 1207.

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

"*(h) Fail to require that each qualified applicant for permanent full-time employment be hired on the basis of a process of competitive selection designed to determine the most qualified applicant for the position. The provisions of this paragraph do not apply to the applicants for a position as a head of a department, his immediate professional assistant and his immediate clerical assistant.*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblymen Wendell Williams and Humke.

Assemblymen Humke, McGaughey and McGinness requested a roll call on Assemblyman Wendell Williams' motion.

Roll call on Assemblyman Wendell Williams' motion:

YEAS—24.

NAYS—Bayley, Bergevin, Elliott, Gibbons, Gregory, Hardy, Heller, Humke, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Spriggs, Stout, Wong—17.

Not voting—Goetting.

The amendment having received a majority, Mr. Speaker declared it adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 420.

Bill read third time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1202.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

"428.020 [1.] For the purposes of NRS 428.010 to 428.110, inclusive [, the] *:*

*1. The* county of residence of a person is the county in which he is presently".

Amend section 1, page 1, by deleting lines 7 through 13 and inserting: "Nevada in which he resided for at least 6 consecutive weeks. If the person *presently resides in Nevada, but* has not resided in [a] *any* county in Nevada for at least 6 consecutive weeks, *his county of residence is the county in which he presently resides. If the person does not reside in Nevada,* he shall be deemed a nonresident.

2. [As used in this section, "reside" means to be physically present at a place for at least 4 days out of each week with the intent to dwell in that place permanently or continuously.] *The county of residence of a person placed in institutional care is the county of residence of that person before he was placed in institutional care.*".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1212.

Amend sec. 10, page 6, line 1, by deleting: "and 634.127 are" and inserting "is".

Amend the bill as a whole by deleting the text of repealed sections and adding the text of repealed section, following sec. 10, to read as follows:

634.110 Applicants holding certificate from National Board of Chiropractic Examiners or license from another state. Any applicant of good moral character may be licensed upon the payment of the fee required by this chapter if he passes the examination required by NRS 634.070 and:

1. He holds a certificate from the National Board of Chiropractic Examiners; or

2. He is licensed by a chiropractic board of any other state or territory where the qualifications required are equal to or higher than those required for a certificate from the National Board of Chiropractic Examiners."

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 813—An Act relating to state interests in land; relinquishing state claims to certain portions of the beds and banks of the Truckee River within the Pyramid Lake Indian Reservation and to certain land under and surrounding Pyramid Lake; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1227.

Amend section 1, page 1, line 2, by deleting "$44,205" and inserting "$18,122".

Amend section 1, page 1, line 4, by deleting the period and inserting: "as follows:

1. Replace roof on office and outbuilding..... $7,875
2. Replace air-conditioning units..... $7,352
3. Replace carpeting..... $2,895".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 518.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1226.

Amend section 1, page 1, line 2, by deleting "$125,000" and inserting "$150,000".

Amend sec. 3, page 1, line 11, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 572.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1228.

Amend section 1, page 2, line 7, after the period by inserting: "The board of county commissioners of Elko County shall report to the interim finance committee on or before January 15, 1993, on the manner in which the money so appropriated was expended or committed for expenditure.".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 5 as sections 2 through 4.

Amend sec. 3, page 2, by deleting lines 12 through 14 and inserting:

"Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after the respective projects are completed and reverts to the emergency fund for the supplemental".

Amend sec. 4, page 2, by deleting lines 18 through 20 and inserting: "controller shall transfer the money appropriated by section 1 of this act to the county treasurer of Elko County.".

Amend the preamble of the bill, page 1, by deleting lines 8 through 15.

Amend the preamble of the bill, page 1, by deleting lines 17 and 18 and inserting: "stantially impair the financial capacity of Elko County to provide the basic services for which it was created; and".

Amend the title of the bill to read as follows:

"An Act making an appropriation from the emergency fund of the supplemental city-county relief tax to drill and equip community wells for Tuscarora and Midas; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation from emergency fund of supplemental city-county relief tax to Elko County. (BDR S-1536)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 597.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1110.

Amend section 1, pages 1 and 2, by deleting lines 2 through 24 on page 1 and lines 1 through 23 on page 2 and inserting:

"202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited if done in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatrist, psychologist, optician, optometrist or doctor of traditional Oriental medicine.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University of Nevada System and used for any university purpose.

(2) The State of Nevada [or any] *and used for any public purpose, other than that used by the department of prisons to house or provide other services to offenders.*

*(3) Any* county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:02 a.m. on October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to public health; clarifying the inapplicability to prison facilities of certain restrictions on smoking; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Clarifies inapplicability to prison facilities of certain restrictions on smoking. (BDR 15-1357)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 777.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 800.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 809.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 818.

Amend section 1, page 1, line 13, by deleting "*100,000,*" and inserting "*400,000,*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 462.

Bill read second time and ordered to third reading.

Senate Bill No. 609.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1234.

Amend section 1, page 2, line 4, by deleting "and".

Amend section 1, page 2, line 5, by deleting "child." and inserting: "child; and

(c) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child. As used in this paragraph, "domestic violence" means the commission of any act described in NRS 33.018.".

Amend sec. 4, page 5, line 5, after "shelter care," by inserting: "except as otherwise provided in subsection 9 or".

Amend sec. 4, page 5, by deleting lines 7 through 10 and inserting:

"(a) Has threatened to run away from home or from the shelter;

(b) Is accused of violent behavior at home; or

(c) Is accused of violating the terms of his supervision and consent decree.".

Amend sec. 4, page 5, line 12, by deleting "hours," and inserting: "hours after the hearing,".

Amend sec. 4, page 5, line 13, after "placement." by inserting: "Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers. A child must not be detained pursuant to this subsection for a total period in excess of 48 hours, excluding Saturdays, Sundays and holidays.".

Amend sec. 4, page 5, by deleting lines 20 through 23 and inserting:

"(a) Is a ward of a federal court or held pursuant to federal statute;

(b) Has run away from another state and a jurisdiction within the state has issued a want, warrant or request for the child; or

(c) Is accused of violating a valid court order.

If the court makes such a determination, the child may be detained for such an additional period as necessary for the court to return the child to the jurisdiction from which he originated or to make an alternative placement. Such an alternative placement must be in a facility in which there are no physically restraining devices or barriers.".

Amend sec. 5, page 6, line 17, by deleting "psychologic" and inserting "psychological".

Amend sec. 5, page 6, line 36, after "child." by inserting: "If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.".

Amend sec. 10, page 10, line 20, by deleting: "Section 5 of this act becomes" and inserting: "1. Sections 1 and 4 of this act become".

Amend sec. 10, page 10, after line 21, by inserting:

"2. Section 5 of this act becomes effective at 12:02 a.m. on October 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 23.

Resolution read second time and ordered to third reading.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 68, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Scherer, Sader and Petrak as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 68.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 1037.

Amend sec. 2, page 2, line 1, by deleting: "[received by it.]" and inserting: "received by it [.] ,".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 465.110 is hereby amended to read as follows:

465.110 1. After the final adjudication of a complaint involving a violation of this chapter or chapters 462 to 464, inclusive, of NRS, or of any other complaint involving the seizure of evidence by an agent of the board, the court [shall] *may* enter an appropriate order disposing of all physical evidence pertaining to the complaint, whether or not the evidence was introduced as an exhibit.

2. Except as otherwise provided in subsection 3, evidence seized by an agent of the board which does not result in a complaint charging a violation of the law *and evidence for which an order of disposition is not entered pursuant to subsection 1,* must be disposed of as follows:

(a) The board shall notify by certified mail each potential claimant of the evidence that he has 30 days after receipt of the notice within which to file a written claim with the board for return of the evidence.

(b) If more than one person files a claim for the evidence [, the] *:*

*(1) The claimants may agree among themselves as to how they wish to divide the evidence, subject to the approval of the board;*

*(2) The claimants may agree to submit the matter to binding arbitration or any claimant may institute legal proceedings to determine the proper disposition of the evidence; or*

*(3) The* board may file an action as an interpleader pursuant to N.R.C.P. 22 to determine the rightful claimant.

*The board shall transfer the property to the claimants in accordance with any agreement approved by the board, final judgment or award made pursuant to the provisions of this section.*

(c) A person who receives property from the board pursuant to this section shall execute such documents as are required by the board to defend, hold harmless, indemnify and release the board from any liability arising from the delivery of the property to the claimant.

(d) If no claim is submitted, the board shall deposit all money in the state treasury for credit to the state general fund and may use all other property for any lawful purpose. The board may dispose of any property which cannot be used for any lawful purpose in the manner provided in NRS 179.165.

3. Evidence which constitutes a device for cheating may not be returned to a claimant and must be retained by the board. The board shall periodically destroy such devices in the manner provided by regulations adopted by the commission.".

Amend the title of the bill, second line, after the semicolon, by inserting: "providing for the disposition of certain evidence seized by an agent of the state gaming control board;".

Amend the summary of the bill, first line, by deleting the period and inserting: "and provides for disposition of certain evidence.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 427.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 279, 585, 772, 776; Senate Bills Nos. 82, 201, 230, 232; Assembly Joint Resolution No. 24.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 14, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:58 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-FIFTH DAY

CARSON CITY (Friday), June 14, 1991

Assembly called to order at 11:20 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Most gracious God, we praise You this day for being a God who cares about the circumstances of human life. We acknowledge all that we are and have is by Your hand. Help us this day to be a blessing to You as You are a blessing to us. Help this Assembly to make decisions that will bring credit to Your name and the respect of their constituents. Guide their deliberations in such a way that their actions will be for the benefit of all the people of Nevada. In Your precious name we ask. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 328, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Assembly Bill No. 668, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 13, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 32, 195, 400, 490, 495, 504, 512, 576, 690, 797.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 87, 359, 484, 500, 547, 561, 562, 563, 584, 591, 631, 636, 697, 745, 784, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 308 and requests a conference, and appointed Senators Smith, Cook and Hickey as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 26.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bill No. 439.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 518 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Pettyjohn moved that Assembly Bill No. 660 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Pettyjohn.

Motion carried.

Assembly Concurrent Resolution No. 91.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Myrna Williams.

Resolution adopted.

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

Assembly in recess at 11:27 a.m.

## ASSEMBLY IN SESSION

At 12:10 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 640.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 473, 490.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 473.

Assemblyman Porter moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Bill No. 490.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

Senate Bill No. 640.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 673 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Stout moved that Senate Bill No. 462 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Stout.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 641.

Bill read third time.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:15 p.m.

## ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Anderson, Price and McGaughey.

Roll call on Assembly Bill No. 641:

YEAS—41.

NAYS—None.

Not voting—Little.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 814—An Act relating to governmental torts; prohibiting a court under certain circumstances from entering an order or judgment which limits public access to certain court records; declaring voidable any provision of a settlement agreement requiring the concealment of certain information regarding the tortious conduct of a governmental entity; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 815—An Act relating to public employees; making appropriations from the state general fund and the state highway fund to the state board of examiners for increases in the salaries of certain employees of the State of Nevada; increasing the salaries of certain employees; and providing other matters properly relating thereto.

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

Motion carried.

### REMARKS FROM THE FLOOR

Assemblyman Callister requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I just note for the record that, of course, this is the introduction of the Classified Pay Bill that I know your hearts and minds have been anxious to have your greedy little grips on. We'll have a chance to discuss it briefly in committee. It will be brought back down to the floor. You are all aware by now that it's been the subject of some degree of controversy. It does in fact incorporate the 4 percent that was recommended by the Governor's budget, as well as a 90-day deferral of that 4 percent. I will advise the members at this point in time that I will be introducing along with other members of this house, two proposed amendments to that bill, one of which would, of course, make it a 5 percent increase as opposed to a 4 percent deferred, and the second of which will address the issue of one to five in incremental figures for the second year of the biennium. Sorry, I guess we don't get a chance to vote on that today. I know

many members of this body and, of course, many of those here visiting today would like to have that occur today. It's not going to be the case but we can promise you that there will be an opportunity to vote on it and we look forward to that.

Assemblyman Porter moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 1:26 p.m.

## ASSEMBLY IN SESSION

At 2:57 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Assembly Bill No. 812, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 100—Amending the Joint Rules of the Senate and Assembly for the 66th legislative session to provide for briefings regarding the interim findings and recommendations of legislative committees.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly, as adopted by the 66th session of the Legislature, are amended by the following addition:

*18*

*BRIEFINGS REGARDING INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES*

*Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, conduct a meeting to inform interested members of the Senate and Assembly of those findings and recommendations.*

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 777, 800, 804, 809; Senate Bills Nos. 366, 463, 544 and Senate Joint Resolution No. 23 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 304, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

| | |
|---|---|
| SCOTT SCHERER | ERNEST E. ADLER |
| JOSEPH JOHNSON | STEPHANIE S. TYLER |
| JOHN W. BAYLEY | WILLIAM R. O'DONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 9.

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

"Section 1. The amendatory provisions of sections 2.5 and 18.5 of chapter 228 of Statutes of Nevada 1991, do not apply to any appeal perfected before October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to municipal courts; clarifying that the prohibition of certain trials anew on appeal from municipal court to district court does not apply retroactively; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Clarifies that prohibition of certain trials anew on appeal from municipal courts is not retroactive. (BDR 1-758)".

Assemblyman Scherer moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 304.

Remarks by Assemblyman Scherer.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 501, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

| | |
|---|---|
| MYRNA T. WILLIAMS | RANDOLPH J. TOWNSEND |
| VAL Z. GARNER | RAYMOND C. SHAFFER |
| JAMES W. MCGAUGHEY | VIRGIL M. GETTO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 10.

Amend sec. 9, page 3, by deleting line 34 and inserting: "639.002 to 639.016, inclusive, section 1 of chapter 197, Statutes of Nevada 1991, [and] section 3 of [this act,] *chapter 302,*".

Amend sec. 29, page 12, line 16, by deleting "12:01" and inserting "12:02".

Assemblyman Myrna Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 501.

Remarks by Assemblyman Myrna Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, McGaughey and Krenzer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 308.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 89.

The following Senate amendments were read:

Amendment No. 1182.

Amend section 1, pages 2 and 3, by deleting lines 35 through 48 on page 2 and lines 1 through 8 on page 3 and inserting:

"*(a) Amphetamine;*

*(b) Benzoylecgonine;*

*(c) Cocaine;*

*(d) Heroin;*

*(e) Lysergic acid diethylamide;*

*(f) Mecloqualone;*

*(g) Mescaline;*

*(h) Methamphetamine;*

*(i) Methaqualone;*

*(j) Monoacetylmorphine;*

*(k) Phencyclidine;*

*(l) N-ethylamphetamine;*

*(m) N, N-dimethylamphetamine;*

*(n) 2, 5-dimethoxyamphetamine;*

*(o) 3, 4-methylenedioxyamphetamine;*

*(p) 3, 4, 5-trimethoxyamphetamine;*

*(q) 4-bromo-2, 5-dimethoxyamphetamine;*

*(r) 4-methoxyamphetamine;*

*(s) 4-methyl-2, 5-dimethoxyamphetamine;*

*(t) 5-dimethoxy-alpha-methylphenethylamine; or*

*(u) 5-methoxy-3, 4-methylenedioxyamphetamine,*

*if the substance is classified in schedule I or II pursuant to NRS 453.166 or*".

Amendment No. 1071.

Amend section 1, page 2, by deleting lines 32 through 34 and inserting:

"*5. As used in this section, "controlled substance" means any of the following substances for which a valid prescription has not been issued to the consumer:*

*(a) Amphetamine.*

*(b) Benzoylecgonine.*

*(c) Cocaine.*

*(d) Heroin.*
*(e) Lysergic acid diethylamide.*
*(f) Mecloqualone.*
*(g) Mescaline.*
*(h) Methamphetamine.*
*(i) Methaqualone.*
*(j) Monoacetylmorphine.*
*(k) Phencyclidine.*
*(l) N-ethylamphetamine.*
*(m) N, N-dimethylamphetamine.*
*(n) 2, 5-dimethoxyamphetamine.*
*(o) 3, 4-methylenedioxyamphetamine.*
*(p) 3, 4, 5-trimethoxyamphetamine.*
*(q) 4-bromo-2, 5-dimethoxyamphetamine.*
*(r) 4-methoxyamphetamine.*
*(s) 4-methyl-2, 5-dimethoxyamphetamine.*
*(t) 5-dimethoxy-alpha-methylphenethylamine.*
*(u) 5-methoxy-3, 4-methylenedioxyamphetamine.*

*If the substance is classified in schedule I or II pursuant to NRS 453.166 or 453.176 at the time the substance is consumed.*".

Amend the summary of the bill to read as follows:

"Summary—Allows revocation of driver's license of person with detectable amount of certain controlled substances in his system.".

Assemblyman Spitler moved that the Assembly do not concur in the Senate amendments to Assembly Bill No. 89.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

The following Senate amendment was read:

Amendment No. 962.

Amend section 1, page 1, line 13, by deleting "*January*" and inserting "*March*".

Amend section 1, page 1, line 14, by deleting "*January*" and inserting "*March*".

Amend section 1, page 1, line 18, by deleting "*3.5*" and inserting "*3*".

Amend section 1, page 1, line 20, by deleting "*3.5*" and inserting "*3*".

Amend section 1, page 1, line 22, by deleting "*3.5*" and inserting "*3*".

Amend section 1, page 2, line 3, by deleting "*January*" and inserting "*March*".

Amend section 1, page 2, line 4, by deleting "*January*" and inserting "*March*".

Amend sec. 4, page 3, line 5, by deleting "*January*" and inserting "*March*".

Amend sec. 4, page 3, line 6, by deleting "*January*" and inserting "*March*".

Amend sec. 4, page 3, line 10, by deleting "*3.5*" and inserting "*3*".

Amend sec. 4, page 3, line 12, by deleting "*3.5*" and inserting "*3*".

Amend sec. 4, page 3, line 14, by deleting "*3.5*" and inserting "*3*".

Amend sec. 4, page 3, line 18, by deleting "*January*" and inserting "*March*".

Amend sec. 4, page 3, line 20, by deleting "*January*" and inserting "*March*".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. Chapter 461 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, each manufactured building on which construction begins on or after March 1, 1992, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.*

*(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.*

*2. Each manufactured building on which construction begins on or after March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:*

*(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.*

*(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.*

*(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.*

Sec. 6. NRS 461.020 is hereby amended to read as follows:

461.020 [The] *Except as otherwise provided in section 5 of this act, the* provisions of this chapter [shall be applicable] *apply* to all factory-built housing manufactured after July 1, 1971, and to all other manufactured buildings and modular components manufactured after July 1, 1973.".

Amend sec. 5, page 3, by deleting lines 43 through 46 and inserting:

"*1. Except as otherwise provided in subsection 2, each manufactured home*".

Amend sec. 5, page 3, line 47, by deleting "*January*" and inserting "*March*".

Amend sec. 5, page 4, line 3, by deleting "*3.5*" and inserting "*3*".

Amend sec. 5, page 4, line 5, by deleting "*3.5*" and inserting "*3*".

Amend sec. 5, page 4, line 7, by deleting "*3.5*" and inserting "*3*".

Amend sec. 5, page 4, line 8, by deleting "*3.*" and inserting "*2.*".

Amend sec. 5, page 4, line 9, by deleting "*January*" and inserting "*March*".

Amend the bill as a whole by deleting sections 6 and 7.

Amend the title of the bill by deleting the third, fourth and fifth lines and inserting: "ings; imposing similar requirements for mobile homes and manufactured homes and buildings; and providing other matters properly relating thereto.".

Assemblyman Bergevin moved that the Assembly concur in the Senate amendment to Assembly Bill No. 359.

Remarks by Assemblyman Bergevin.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 547.

The following Senate amendment was read:

Amendment No. 1198.

Amend section 1, page 1, line 2, by deleting "[If" and inserting "*1.* If".

Amend section 1, page 1, lines 3 and 4, by deleting: ":

1. The" and inserting: "[:

1. The] , *the*".

Amend section 1, page 1, line 9, by inserting an open bracket before "The governing".

Amend section 1, page 1, line 10, after "[the]" by inserting: "*against existing indirect sources*".

Amend section 1, page 1, line 14, by deleting "*1.*" and inserting "*(a)*".

Amend section 1, page 1, by deleting line 16 and inserting: "*(b) Enforcement is necessary to comply with the federal standards*".

Amend the title of the bill to read as follows:

"An Act relating to air quality; authorizing a local air pollution control agency to enforce certain regulations against existing indirect sources of air contaminants; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, after "relating to" by inserting "existing".

Assemblyman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 547.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

The following Senate amendment was read:

Amendment No. 908.

Amend sec. 3, page 1, by deleting lines 14 and 15 and inserting: "*erected, or any other commercial or industrial activity is undertaken, on land adjoining a pasture and separated from the pasture by a legal fence, the developer of the structure or the person undertaking the activity, unless he makes the election permitted*".

Amend sec. 3, page 1, line 17, by deleting "*structure or*" and inserting "*structure,*".

Amend sec. 3, page 1, by deleting line 18 and inserting: "*land or the activity undertaken. The developer or person undertaking the activity is liable for any damage done by any livestock which*".

Amend sec. 4, page 2, line 8, by deleting "*developer,*" and inserting: "*developer or a person undertaking an activity described in section 3 of this act,*".

Amend the title of the bill, first line, after "developers" by inserting: "and certain other persons".

Amend the summary of the bill by deleting "Protect" and inserting "Protects".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 584.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 631.

The following Senate amendment was read:

Amendment No. 1122.

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. NRS 271.265 is hereby amended to read as follows:

271.265 1. The governing body of a county, city or town, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) A curb and gutter project;

(b) A drainage project;

(c) An offstreet parking project;

(d) An overpass project;

(e) A park project;

(f) A sanitary sewer project;

(g) A security wall;

(h) A sidewalk project;

(i) A storm sewer project;

(j) A street project;

(k) A transportation project;

(l) An underpass project;

(m) A water project; and

(n) Any combination of [such] *those* projects.

2. In addition to the power specified in subsection 1, the governing body of a city having a commission form of government as defined in NRS 267.010, upon behalf of the municipality and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, within or without the municipality, or both within and without the municipality:

(a) An electrical project;

(b) A telephone project;

(c) A combination of an electrical project and a telephone project;

(d) A combination of an electrical project or a telephone project with any of the projects [(] or any combination thereof [)] specified in subsection 1; [and]

(e) A combination of an electrical project and a telephone project with any of the projects [(] or any combination thereof [)] specified in subsection 1 [.] *; or*

*(f) A natural gas project.*

*3. As used in this section, "natural gas project" means any facility which is used for the distribution of natural gas, including gas mains, supply lines, laterals and any appliances, appurtenances or incidental equipment which is necessary or useful for the operation of the facility.*".

Amend sec. 6, pages 2 and 3, by deleting lines 43 through 48 on page 2 and lines 1 through 44 on page 3, and inserting:

Sec. 6. NRS 271.280 is hereby amended to read as follows:

271.280 1. [Whenever] *If* the governing body is of the opinion that the interest of the municipality requires any project, the governing body, by resolution, shall direct the engineer to prepare [:] *, or may, after he has prepared, ratify:*

(a) Preliminary plans showing:

(1) A typical section of the contemplated improvement.

(2) The type or types of material, approximate thickness and wideness.

(3) A preliminary estimate of the cost of the project, including incidental costs.

(b) An assessment plat showing:

(1) The area to be assessed.

(2) The amount of maximum benefits estimated to be assessed against each tract in the assessment area.

The governing body is not required to employ the services of an appraiser to estimate or to assist the engineer in estimating the benefits to be derived from the project.

2. The resolution *or ratification* may provide for one or more types of construction, and the engineer shall separately estimate the cost of each type of construction. The estimate may be made in a lump sum or by unit prices, as the engineer determines is most desirable for the improvement complete in place.

3. The resolution *or document ratified* must describe the project in general terms.

4. The resolution *or document ratified* must state:

(a) What part or portion of the expense of the project is of special benefit and therefore must be paid by assessments.

(b) What part, if any, has been or is proposed to be defrayed with money derived from other than the levy of assessments.

(c) The basis by which the cost will be apportioned and assessments levied.

5. If the assessment is not to be made according to front feet, the resolution *or document ratified* must:

(a) By apt description designate the improvement district, including the tracts to be assessed.

(b) Describe definitely the location of the project.

(c) State that the assessment is to be made upon all the tracts benefited by the project proportionately to the benefits received.

6. If the assessment is to be upon the abutting property upon a frontage basis, it is sufficient for the resolution *or document ratified* so to state and to define the location of the project to be made.

7. It is not necessary in any case to describe minutely in the resolution *or document ratified* each particular tract to be assessed, but simply to designate the property, improvement district or the location, so that the various parts to be assessed can be ascertained and determined to be within or without the proposed improvement district.

8. The engineer shall forthwith prepare and file with the clerk:

(a) The preliminary plans; and

(b) The assessment plat.

9. Upon the filing of the plans and plat, [they must be examined by the governing body.] *the governing body shall examine them.* If the plans and plat are found to be satisfactory, the governing body shall make a provisional order by resolution to the effect that the project will be acquired or improved, or both acquired and improved.".

Amend sec. 7, page 3, by deleting line 48 and inserting: "assessed, or any other interested persons, may appear before the".

Amend sec. 7, page 4, by deleting line 16 and inserting: "taining to the project have been paid in full, including principal, interest, any penalties [,] and".

Amend sec. 7, page 5, by deleting lines 14 and 15 and inserting: "objections in writing against acquiring or improving the project proposed by initiation of the governing body are".

Amend sec. 7, page 5, lines 32 and 33, by deleting: "discretion, deems such" and inserting: "discretion deems the".

Amend sec. 7, page 5, between lines 38 and 39, by inserting:

"[(d)] *(m)* That if a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

(1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.".

Amend sec. 7, page 5, line 40, by deleting "*need not*" and inserting: "*is not required to*".

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Sections 6 and 7 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 631.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 745.

The following Senate amendment was read:

Amendment No. 1189.

Amend sec. 2, page 3, by deleting lines 1 through 4 and inserting:

"*8. Members of the board may attend conventions, conferences, seminars, congressional hearings or other federal hearings to gather specific information or conduct the official business of the association or sponsoring organization at any location if no action is taken by the board in the course of such activity.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 745.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:10 p.m.

## ASSEMBLY IN SESSION

At 3:22 p.m.

Mr. Speaker presiding.

Quorum present.

### INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 816—An Act relating to county fair and recreation boards; increasing the membership of the county fair and recreation board in certain counties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 484.

The following Senate amendment was read:

Amendment No. 1132.

Amend section 1, page 2, line 11, by deleting "$1,000." and inserting "[$1,000.] *$2,000.*".

Amend section 1, page 2, between lines 14 and 15, by inserting:

"11. Money, not to exceed $100,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).".

Amend section 1, page 2, line 15, by deleting "*11.*" and inserting "*12.*".

Amend section 1, page 2, line 18, by deleting "*12.*" and inserting "*13.*".

Amend sec. 2, page 3, line 19, by deleting "$1,000" and inserting "[$1,000] *$2,000*".

Amend sec. 2, page 4, line 15, by deleting "*(o)*" and inserting "(o)".

Amend sec. 2, page 4, between lines 19 and 20, by inserting:

"*(q)* Money, not to exceed $100,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of 26 U.S.C. 408;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of 26 U.S.C. 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code; and

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).".

Amend sec. 3, page 5, line 17, by deleting "$1,000." and inserting "[$1,000.] *$2,000.*".

Amend sec. 3, page 5, between lines 20 and 21, by inserting:

"11. Money, not to exceed $100,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).".

Amend sec. 3, page 5, line 21, by deleting "*11.*" and inserting "*12.*".

Amend sec. 3, page 5, line 24, by deleting "*12.*" and inserting "*13.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 484.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 784.

The following Senate amendment was read:

Amendment No. 1205.

Amend section 1, page 1, line 2, after "[unlawfully]" by inserting: "*knowingly or willfully*".

Amend section 1, page 1, line 22, by deleting "Treasury." and inserting: "Treasury [.] , *or by any person to whom such a rifle or shotgun is registered with the United States Department of Treasury.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 784.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 561.

The following Senate amendment was read:

Amendment No. 1221.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the state, at the county seat of that county.

2. Before issuing a marriage license, the county clerk may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age.

3. The county clerk issuing the license shall require the applicant to answer under oath each of the questions contained in the form of license, and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license. If any of the information required is unknown to the person responding to the question, he must state that the answer is unknown.

4. If any of the persons intending to marry is under age and has not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and [duly] acknowledged before a person authorized by law to administer oaths. *A facsimile of the acknowledged writing must be accepted if the original is not available.*

5. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in writing.

6. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010. Any county clerk who refuses to permit an inspection is guilty of a misdemeanor.

7. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.".

Amend the bill as a whole by renumbering sec. 4 as sec. 8 and adding new sections designated sections 5 through 7, following sec. 3, to read as follows:

"Sec. 5. Section 4 of Assembly Bill No. 578 is hereby amended to read as follows:

Sec. 4. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in subsection 2, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

| | |
|---|---|
| If the sum claimed does not exceed $1,000 | $25.00 |
| If the sum claimed exceeds $1,000 but does not exceed $5,000 | 35.00 |
| In all other civil actions | 25.00 |

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

| | |
|---|---|
| If the sum claimed does not exceed $500 | 10.00 |
| If the sum claimed exceeds $500 but does not exceed $1,500 | 20.00 |
| If the sum claimed exceeds $1,500 but does not exceed $2,500 | 30.00 |

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

| | |
|---|---|
| In all civil actions | 10.00 |
| For every additional defendant, appearing separately | 5.00 |

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

| | |
|---|---|
| (e) For the filing of any paper in intervention | 5.00 |
| (f) For the issuance of any writ of attachment, writ of garnishment, writ of execution, or any other writ designed to enforce any judgment of the court | 5.00 |
| (g) For filing a notice of appeal, and appeal bonds | 10.00 |

One charge only may be made if both papers are filed at the same time.

| | |
|---|---|
| (h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court | 10.00 |
| (i) For preparation and transmittal of transcript and papers on appeal | 10.00 |
| (j) For celebrating a marriage and returning the certificate to the county recorder | 35.00 |
| (k) For entering judgment by confession | 5.00 |
| (l) For preparing any copy of any record, proceeding or paper, for each page | .25 |
| (m) For each certificate of the clerk, under the seal of the court | 2.00 |
| (n) For searching records or files in his office, for each year | 1.00 |
| (o) For filing and processing each bail or property bond [20.00] | *40.00* |

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except *for the* fees [which] he may retain as compensation [.] *and the fees he must pay to the state treasurer pursuant to subsection 4.*

*4. The justice of the peace shall, on or before the fifth day of each month, pay to the state treasurer half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The state treasurer shall deposit the money in the fund for the compensation of victims of crime.*

Sec. 6. Section 7 of Assembly Bill No. 578 of this session is hereby amended to read as follows:

Sec. 7. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1991.

Sec. 7. Sections 1 and 2 of Assembly Bill No. 487 of this session are hereby repealed.''.

Amend the bill as a whole by adding the text of the repealed sections, following sec. 4, to read as follows:

Section 1. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as provided in subsection 2, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice's court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

| | |
|---|---|
| If the sum claimed does not exceed $1,000 | $25.00 |
| If the sum claimed exceeds $1,000 but does not exceed $5,000 | 35.00 |
| In all other civil actions | 25.00 |

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

| | |
|---|---|
| If the sum claimed does not exceed $500 | 10.00 |
| If the sum claimed exceeds $500 but does not exceed $1,500 | 20.00 |
| If the sum claimed exceeds $1,500 but does not exceed $2,500 | 30.00 |

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid him or them on filing the first paper in the action, or at the time of appearance:

| | |
|---|---|
| In all civil actions | 10.00 |
| For every additional defendant, appearing separately | 5.00 |

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

| | |
|---|---|
| (e) For the filing of any paper in intervention | 5.00 |

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution, or any other writ designed to enforce any judgment of the court ..... 5.00

(g) For filing a notice of appeal, and appeal bonds ..... 10.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court ..... 10.00

(i) For preparation and transmittal of transcript and papers on appeal ..... 10.00

(j) For celebrating a marriage *during business hours on weekdays* and returning the certificate to the county recorder ..... [20.00] *25.00*

(k) *For celebrating a marriage on Saturdays, Sundays, legal holidays or during any hours other than business hours and returning the certificate to the county recorder* ..... *30.00*

*(l)* For entering judgment by confession ..... 5.00

[(l)] *(m)* For preparing any copy of any record, proceeding or paper, for each page ..... .25

[(m)] *(n)* For each certificate of the clerk, under the seal of the court ..... 2.00

[(n)] *(o)* For searching records or files in his office, for each year ..... 1.00

[(o)] *(p)* For filing and processing each bail or property bond ... 20.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which he may retain as compensation.

Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, first line, by deleting: "fees for marriages;" and inserting "marriage licenses;".

Amend the summary of the bill, first line, by deleting "fees." and inserting "licenses.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 561.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Gibbons.

Motion carried.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 472 be re-referred to the Committee on Ways and Means.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 299, 427; Senate Bills Nos. 402, 587, 627.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jamilla Morley, Susan Moreda, Mesdames Sandy Curtis, Bonnie Snyder, Messrs. Chuck Fletcher and Bob Trero.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ken Dakan.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Virginia Doran and Mr. Ed Johnson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Betty Morris.

On request of Assemblyman Johnson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Kenneth Stick and Ms. Kimberly Sneekers.

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Beatrice Gagnon.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Floyd Mundt and Mark Manendo.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Candice Young.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Larry Roberts and Bob Stephens.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shirley Hildebrand.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 15, 1991 at 8:00 a.m.

Motion carried.

Assembly adjourned at 3:30 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-SIXTH DAY

CARSON CITY (Saturday), June 15, 1991

Assembly called to order at 8:21 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken DeLyser.

Almighty God, we come to You today asking for strength and wisdom because there is really no place else we can turn with assurance. Your holy scriptures declare that You will give wisdom to all who seek and ask in faith. We come today in faith asking and standing on the promise of Your word. Grant to this Assembly understanding of the issues that confront them, and compassion for those affected by those issues. More importantly, give them wisdom to be able to properly use that compassion and understanding. We ask these things in Your holy name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 686.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 501.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 251, 267, 445.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, O'Connell and Shaffer as a first Committee on Conference concerning Senate Bill No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Adler, Vergiels and Getto as a first Committee on Conference concerning Senate Bill No. 526.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17:

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Welfare.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1253.

Amend section 1, page 1, line 3, by deleting "$45,980" and inserting "$24,034".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to Nevada museum and historical society in Las Vegas. (BDR S-1769)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 668.

Bill read second time.

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

Amendment No. 1068.

Amend section 1, page 1, by deleting lines 2 through 8 and inserting:

"616.087 [Any real estate licensee doing business in this state and receiving wages, commissions or other compensation based upon sales shall be deemed for the purpose of this chapter to earn wages of $900 per month.]

1. *Each person licensed pursuant to chapter 645 of NRS as a real estate broker, broker-salesman or salesman who does business in this state and receives wages, commissions or other compensation based upon activities for which the license is required shall be deemed for the purpose of this chapter to earn wages of $1,500 per month. Except as otherwise provided in subsection 2, not more than one premium may be collected from such a licensee for the wages, commission or other compensation he receives from any activity for which such a license is required.*

2. *Except as otherwise provided in this subsection, if a licensee holds both an individual broker license and a corporate broker license, the licensee shall pay the premium for coverage under the corporate broker license only and is limited to recovery of benefits in accordance with the deemed compensation attributed to that license only. If a licensee holds both an individual broker license and a corporate broker license and elects to pay premiums for coverage under the individual broker license also, he may recover benefits in accordance with the deemed compensation attributed to both licenses.*".

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

"Sec. 2. NRS 616.317 is hereby amended to read as follows:

616.317 1. A sole proprietor may elect to be included within the terms, conditions and provisions of this chapter for the purpose of personally securing compensation equivalent to that to which an employee is entitled for any accidental injury sustained by the sole proprietor which arises out of and in the course of his self-employment by filing a written notice of election with the system.

2. A sole proprietor who elects to accept the terms, conditions and provisions of this chapter shall submit to a physical examination before his coverage commences. The system shall prescribe the scope of the examination and shall consider it for rating purposes. The cost of the physical examination must be paid by the sole proprietor.

3. A sole proprietor who elects to submit to the provisions of this chapter shall pay to the system premiums in such manner and amounts as may be prescribed by regulations of the system.

4. If a sole proprietor fails to pay all premiums required by the regulations of the system, the failure operates as a rejection of this chapter.

5. A sole proprietor who elects to be included under the provisions of this chapter remains subject to all terms, conditions and provisions of this chapter and all regulations of the system until he files written notice with the system that he withdraws his election.

6. For purposes of this chapter, a sole proprietor shall be deemed to be receiving a wage of $300 per month [.] *unless, at least 90 days before any injury for which he requests coverage, he files written notice with the system that he elects to pay an additional amount of premiums for additional coverage. If the system receives the additional premiums it requires for such additional coverage, the sole proprietor shall be deemed to be receiving a wage of $1,800 per month.*

Sec. 3. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each broker who has a broker-salesman or salesman associated with him pursuant to NRS 645.520 may request, pursuant to NRS 616.288, the state industrial insurance system to provide him routinely with a statement certifying whether the broker-salesman or salesman is current in his own payment of the premiums due for his industrial insurance coverage. A broker who pays the premiums for industrial insurance coverage of a broker-salesman or salesman who has so associated with him, need not participate in the system's program for certification of current payment for that broker-salesman or salesman.*

*2. A broker is responsible for the payment of any premiums for industrial insurance coverage for each broker-salesman or salesman who is associated with him pursuant to NRS 645.520, unless the broker-salesman or salesman has maintained current payments of those premiums.*".

Amend the title of the bill by deleting the second and third lines and inserting: "providing for coverage of persons who hold more than one such

license; clarifying who is responsible for the payment of premiums for certain real estate licensees; revising the provisions regarding coverage of sole proprietors; and providing".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to industrial insurance coverage of real estate licensees and sole proprietors. (BDR 53-1094)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 812.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1263.

Amend sec. 2, page 1, line 3, by deleting "*1.*".

Amend sec. 2, page 1, by deleting lines 4 through 8 and inserting: "*domesticated cat or dog.*".

Amend the bill as a whole by adding a new section designated sec. 2.3, following sec. 2, to read as follows:

"Sec. 2.3. *The provisions of sections 2 to 27, inclusive, of this act do not apply to:*

*1. The production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity; or*

*2. An activity for which a license is required pursuant to chapter 466 of NRS.*".

Amend sec. 3, page 1, line 9, by deleting "*3*" and inserting "*2*".

Amend sec. 6, page 1, line 17, by deleting: "*animals whose owners are unknown;*" and inserting "*animals;*".

Amend the bill as a whole by adding a new section designated sec. 6.3, following sec. 6, to read as follows:

"Sec. 6.3. *"Condition" means an illness, disease or other physical state that is terminal or that requires immediate hospitalization or surgery.*".

Amend sec. 9, page 2, line 3, after "*10*" by inserting "*cats or*".

Amend sec. 9, page 2, line 7, after "*a*" by inserting "*dealer or*".

Amend sec. 9, page 2, line 10, after "*organizations,*" by inserting: "*dogs used in farming or ranching,*".

Amend sec. 10, page 2, line 16, by deleting "*primarily*".

Amend sec. 10, page 2, by deleting line 17 and inserting: "*business of selling pets.*".

Amend sec. 12, page 2, line 21, by deleting: "*cage, compartment or hutch.*" and inserting: "*cage or compartment.*".

Amend sec. 13, page 2, line 22, by deleting: "*pets for resale.*" and inserting: "*cats or dogs to sell for profit.*".

Amend sec. 14.5, page 2, by deleting lines 25 through 30 and inserting:

"Sec. 14.5. (Deleted by amendment.)".

Amend sec. 15, page 2, by deleting lines 36 and 37.

Amend sec. 15, page 2, line 38, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 15, page 2, line 42, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 16, page 3, line 6, by deleting "*Any*".

Amend sec. 16, page 3, by deleting lines 7 and 8.

Amend sec. 16, page 3, line 22, after "*doors,*" by inserting "*fans,*".

Amend sec. 17, page 3, line 30, after "2." by inserting: "*Provide each dog or cat with a sufficient amount of nutrition after taking into consideration the ambient temperature.*

*3.*".

Amend sec. 18, page 3, line 41, by deleting "*injury;*" and inserting: "*injury, including constructing the primary enclosure with no sharp points or edges;*".

Amend sec. 18.5, page 4, line 2, after "*dog*" by inserting: "*that is 6 months or older*".

Amend sec. 19, page 4, by deleting lines 8 through 16 and inserting: "*shall ensure that an immature dog or cat is not placed together with an adult dog or cat,*".

Amend sec. 20, page 4, line 23, after "2." by inserting: "*Each dog or cat is exercised daily, except as otherwise required to provide adequate care.*

*3.*".

Amend sec. 20, page 4, line 25, by deleting "*3.*" and inserting "*4.*".

Amend sec. 20, page 4, line 28, by deleting "*4.*" and inserting "*5.*".

Amend sec. 20, page 4, line 29, by deleting "*5.*" and inserting "*6.*".

Amend sec. 20, page 4, line 34, by deleting "*6.*" and inserting "*7.*".

Amend sec. 21, page 4, by deleting lines 38 through 47.

Amend sec. 21, page 5, line 1, by deleting:

"*4. Other enclosures*" and inserting "*1. Enclosures*".

Amend sec. 21, page 5, by deleting lines 4 though 15.

Amend sec. 21, page 5, by deleting "*9.*" and inserting "*2.*".

Amend sec. 22, page 5, line 18, by deleting: "*shall, under the supervision of a veterinarian,*" and inserting "*shall*".

Amend sec. 23, page 5, by deleting lines 28 through 34 and inserting:

"Sec. 23. *1. If the cat or dog has not been examined by a veterinarian within the previous 14 days, a retailer shall, within 7 days after the purchase or consignment of a cat or dog for resale, cause the cat or dog to be examined by a veterinarian. The examination must be repeated every 30 days thereafter until the cat or dog is sold.*".

Amend sec. 23, page 5, line 35, by deleting "*3.*" and inserting "*2.*".

Amend sec. 23, page 5, line 39, by deleting the period and inserting: "*regarding the condition of the cat or dog.*".

Amend sec. 23, page 5, line 40, by deleting "*4.*" and inserting "*3.*".

Amend sec. 23, page 5, line 41, after "*sale,*" by inserting: "*the written statement of a veterinarian pursuant to subsection 2, if any, and*".

Amend sec. 23, page 5, line 45, by deleting "*5.*" and inserting "*4.*".

Amend sec. 24, page 6, line 1, by deleting "*cat,*" and inserting: "*cat or dog,*".

Amend sec. 24, page 6, line 3, after "*cat*" by inserting "*or dog*".

Amend sec. 24, page 6, line 5, after "*cat*" by inserting "*or dog*".

Amend sec. 24, page 6, by deleting lines 7 through 11.

Amend sec. 25, page 6, by deleting lines 12 through 39 and inserting:

"Sec. 25. (Deleted by amendment.)".

Amend sec. 26, page 6, line 40, by deleting: "*pet from any other person*" and inserting: "*cat or dog from a dealer or retailer*".

Amend sec. 26, page 6, line 41, by deleting "*pet*" and inserting: "*cat or dog*".

Amend sec. 26, pages 6 and 7, by deleting lines 43 through 46 on page 6 and lines 1 through 3 on page 7, and inserting: "*tion or immediate surgical intervention, the seller shall, at the option of the purchaser:*

*1. Refund the purchase price of the cat or dog if the purchaser returns the cat or dog to the seller;*

*2. Pay for or provide a second opinion from a veterinarian, and pay an amount up to and including the purchase price of the cat or dog for the treatment of the cat or dog; or*

*3. Enter into an agreement with the purchaser that is acceptable to the seller and the purchaser.*".

Amend sec. 27, page 7, by deleting line 4 and inserting:

"Sec. 27. *An operator who sells a cat or dog that he know has any illness, disease*".

Amend sec. 27, page 7, by deleting lines 6 through 16 and inserting: "*immediate surgical intervention is guilty of a misdemeanor.*".

Amend sec. 28, page 7, by deleting lines 17 through 23 and inserting:

"Sec. 28. NRS 574.040 is hereby amended to read as follows:

574.040 1. All members, agents and all local and district officers of each of the societies so incorporating, as shall by the trustees of the societies be duly authorized in writing, approved by the district judge of the county, and sworn in the same manner as peace officers are sworn, may make arrests for the violation of the provisions of this chapter *, excluding sections 3 to 27, inclusive, of this act,* in the same manner as is provided for other officers. *The sheriff of each county may appoint one natural person who is a member of such a society in that county to make arrests in the same manner as is provided for other officers for the violations of sections 3 to 27, inclusive, of this act, within that county. The sheriff shall swear in the member so appointed in the same manner as peace officers are sworn.*

2. All such members shall, when making such arrests, exhibit and expose a suitable badge, to be adopted by the society.

3. All persons resisting such specially appointed officers, as such, shall be punished for such resistance in the same manner as is provided for the punishment of resistance to other officers.".

Amend the bill as a whole by deleting sec. 29 and renumbering sections 30 and 31 as sections 29 and 30.

Amend sec. 30, page 7, line 40, by deleting "food [.] ," and inserting "food.".

Amend sec. 30, page 7, by deleting line 41.

Amend sec. 31, page 8, line 4, by deleting: "Section 18.5 of this" and inserting "This".

Amend the title of the bill to read as follows:

"An Act relating to animals; prohibiting the sale or killing of cats or dogs for human consumption; imposing certain restrictions and requirements upon the care and sale of certain cats and dogs; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "animals." and inserting: "certain cats and dogs.".

Assemblyman Norton moved the adoption of the amendment.

Remarks by Assemblyman Norton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 492.

Bill read second time and ordered to third reading.

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

Assembly in recess at 8:33 a.m.

## ASSEMBLY IN SESSION

At 9:06 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 597 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 544 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Stout moved that Senate Bill No. 462 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Stout.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 712 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 255.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 255:

YEAS—42.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 420.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 420:

YEAS—42.

NAYS—None.

Assembly Bill No. 420 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 437:

YEAS—42.

NAYS—None.

Assembly Bill No. 437 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Pettyjohn moved that Assembly Bill No. 660 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Pettyjohn.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 560.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 560:
YEAS—40.
NAYS—Little, Wong—2.

Assembly Bill No. 560 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 572.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 572:
YEAS—42.
NAYS—None.

Assembly Bill No. 572 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 777.
Bill read third time.
Remarks by Assemblymen Haller, Bergevin, Dini, Price and McGinness.
Assemblymen Porter, Evans and Garner moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 777.
Roll call on Assembly Bill No. 777:
YEAS—19.
NAYS—Bache, Bennett, Bergevin, Callister, Carpenter, Garner, Gibbons, Goetting, Gregory, Hardy, Humke, Johnson, Kerns, Krenzer, Little, McGaughey, McGinness, Marvel, Petrak, Pettyjohn, Scherer, Wong, Mr. Speaker—23.

Assembly Bill No. 777 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 255, 420, 437, 560 and 572 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess until 2:00 p.m.
Motion carried.

Assembly in recess at 9:32 a.m.

ASSEMBLY IN SESSION

At 2:12 p.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 318, 573, 606, 614, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 111, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 185, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 414, 619, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 157, 158, 159.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 620.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 157.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 158.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 159.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 620.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 800.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 800:

YEAS—42.

NAYS—None.

Assembly Bill No. 800 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 804.

Bill read third time.

The following amendment was proposed by Assemblyman Sader:

Amendment No. 1273.

Amend section 1, page 1, by deleting lines 15 and 16 and inserting: "appoint:

(a) To the committee, one member of the senate and one member of the assembly, respectively; and

(b) To a subcommittee, two members of the senate and two members of the assembly, respectively, who, together with the members appointed pursuant to paragraphs (a) and (d) of subsection 2 shall conduct the portion of the study required by subsection 3 of section 2 of this act. A legislator appointed to the committee pursuant to paragraph (a) may be appointed to the subcommittee pursuant to paragraph (b).".

Amend section 1, page 1, line 20, by deleting the period and inserting "or subcommittee.".

Amend section 1, page 1, line 21, after "committee" by inserting "or subcommittee".

Amend sec. 2, page 2, line 15, after "3." by inserting: "Conduct a study of the feasibility and siting of a centralized community-based intensive supervision program for offenders.

4.".

Amend sec. 2, page 2, line 17, by deleting "4." and inserting "5.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 597 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 809.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 712 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 597.

Remarks by Assemblyman Wendell Williams.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 809.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 809:

YEAS—42.

NAYS—None.

Assembly Bill No. 809 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:23 p.m.

## ASSEMBLY IN SESSION

At 2:42 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Assembly Bills Nos. 295, 296, 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Taxation.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 185, 295, 296, 303, 619; Assembly Joint Resolution No. 9; Senate Bills Nos. 280, 318, 329, 573, 606, 614 and 622 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 414 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Johnson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 777 was this day refused passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 597.

Bill read third time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1287.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting: "podiatrist, psychologist, optician, optometrist, doctor of Oriental medicine or doctor of acupuncture.".

Amend sec. 2, page 3, line 1, by deleting "12:02" and inserting "12:03".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 712.

Bill read third time.

Remarks by Assemblymen Bennett and Bergevin.

Roll call on Assembly Bill No. 712:

YEAS—24.

NAYS—Bayley, Bergevin, Gibbons, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Sader, Spriggs, Stout—17.

Not voting—Goetting.

Assembly Bill No. 712 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 57:

YEAS—42.

NAYS—None.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 366:

YEAS—42.

NAYS—None.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 544 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 463.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Elliott, Haller and Stout.

Roll call on Senate Bill No. 463:

YEAS—42.

NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 508:

YEAS—41.

NAYS—Johnson.

Senate Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 609.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 609:

YEAS—42.

NAYS—None.

Senate Bill No. 609 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 23:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 462:

YEAS—39.

NAYS—Bayley, Little, Spriggs—3.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 660.

Bill read third time.

Remarks by Assemblymen Wong, Pettyjohn, Giunchigliani and Johnson.

Roll call on Assembly Bill No. 660:

YEAS—42.

NAYS—None.

Assembly Bill No. 660 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1265.

Amend section 1, page 1, by deleting lines 16 through 26 and inserting: "the health division of the department of human resources the sum of $600,000 for the special supplemental food program for women, infants and children commonly known as the WIC program.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June".

Amend sec. 2, page 1, line 29, by deleting "July 1," and inserting "June 30,".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 544.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 544:

YEAS—42.

NAYS—None.

Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1280.

Amend sec. 2, page 2, line 6, by deleting "*NRS*" and inserting "NRS".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1272.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. NRS 370.220 is hereby amended to read as follows:

370.220 In the sale of any cigarette revenue stamps or any metered machine settings to a licensed cigarette dealer, the department and its agents shall allow the purchaser a discount of [4] *3* percent against the amount of excise tax otherwise due for the services rendered in affixing cigarette revenue stamps or metered machine impressions to the cigarette packages.

Sec. 2. NRS 372.370 is hereby amended to read as follows:

372.370 The taxpayer shall deduct and withhold from the taxes otherwise due from him [1.5] *1.25* percent of it to reimburse himself for the cost of collecting the tax.

Sec. 3. NRS 374.110 is hereby amended to read as follows:

374.110 For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of [1.5] *2.25* percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in a county.

Sec. 4. NRS 374.110 is hereby amended to read as follows:

374.110 For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of [2.25] *2* percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in a county.

Sec. 5. NRS 374.190 is hereby amended to read as follows:

374.190 1. An excise tax is hereby imposed on the storage, use or other consumption in a county of tangible personal property purchased from any retailer for storage, use or other consumption in the county at the rate of [1.5] *2.25* percent of the sales price of the property.

2. The tax is imposed on all property which was acquired out of state in a transaction which would have been a taxable sale if it had occurred within this state.

Sec. 6. NRS 374.190 is hereby amended to read as follows:

374.190 1. An excise tax is hereby imposed on the storage, use or other consumption in a county of tangible personal property purchased from any retailer for storage, use or other consumption in the county at the rate of [2.25] *2* percent of the sales price of the property.

2. The tax is imposed on all property which was acquired out of state in a transaction which would have been a taxable sale if it had occurred within this state.

Sec. 7. NRS 374.375 is hereby amended to read as follows:

374.375 The taxpayer shall deduct and withhold from the taxes otherwise due from him [1.5] *1.25* percent thereof to reimburse himself for the cost of collecting the tax.

Sec. 8. 1. There is hereby appropriated from the state general fund to the department of taxation the sum of $26,000 for the costs of additional computer programming and for additional printing and postage expenses required by the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 9. 1. This section and section 8 of this act become effective on July 1, 1991.

2. Sections 1, 2, 3, 5 and 7 of this act become effective on October 1, 1991.

3. Sections 4 and 6 of this act become effective on July 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; increasing the rate of the Local School Support Tax; reducing the discount on cigarette taxes allowed for dealers who affix revenue stamps or metered machine impressions; decreasing the rate of reimbursement for the collection of sales taxes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to taxation. (BDR S-67)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 295 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 594.

Amend the bill as a whole by deleting sections 1 through 95 and adding new sections designated sections 1 to 77, following the enacting clause, to read as follows:

"Section 1. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 71, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act, have the meanings ascribed to them in those sections.

Sec. 3. "Automotive repair" means mechanical, electrical, body and other work performed on motor vehicles, including painting, rustproofing, undercoating and window tinting.

Sec. 4. "Cleaning or washing of tangible personal property" means family and commercial power laundries, drycleaning plants, carpet and upholstery cleaning, industrial launderers, linen supply, and any other commercial laundry or drycleaning. The term does not include:

1. A diaper cleaning service or diaper supply service; or
2. Coin-operated laundries or dry-cleaning machines or other cleaning machines operated by the patron.

Sec. 5. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except any device moved by human power or used exclusively upon stationary rails or tracks.

Sec. 6. A tax of 6 percent is hereby imposed upon the consideration received for:

1. Automotive repair;
2. Cleaning or washing of personal property;
3. Repairing of radios, television sets and other electronic devices, refrigerators, air conditioners and other household appliances, furs, watches, clocks, jewelry and furniture;
4. Storing furs;
5. Storing vehicles;
6. Storing household goods and effects when the owner rents for his exclusive use separate and distinct storage facilities from another; and
7. Renting a vehicle with a driver, except a taxicab as that term is defined in NRS 706.8816.

Sec. 7. The provisions of this chapter do not apply to any fee, charge or other consideration received for any service provided by or for the benefit of:

1. The United States, its unincorporated agencies and instrumentalities.

2. Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.

3. The State of Nevada, its unincorporated agencies and instrumentalities.

4. Any county, city, district or other political subdivision of this state.

5. Any organization created for religious, charitable or eleemosynary purposes, if no part of the net earnings of any such organization inures to the benefit of any private shareholder or natural person.

Sec. 8. It is unlawful for any person to advertise or hold out or state to the public or to any other person directly or indirectly, that the tax imposed by this chapter, or any part of it, will be assumed or absorbed by the provider of the service or that it will not be added to the fee, charge or other consideration imposed or that, if added, it or any part thereof will be refunded to the patron.

Sec. 9. 1. A person shall not provide a service on which a tax is imposed by section 6 of this act, or receive a fee, charge or other consideration for any such service, unless he has a permit issued by the department.

2. Except as otherwise provided by subsection 6, a permit is valid only for the specified location for which it is issued.

3. The application for a permit must:

(a) Be made upon a form prescribed by the department;

(b) Set forth the name under which the applicant conducts business and its location;

(c) Be accompanied by a fee of $50; and

(d) Include any other information that the department deems necessary.

4. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An executive officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

5. If the application is signed pursuant to paragraph (c) of subsection 4, written evidence of the signer's authority must be attached to the application.

6. If the service is provided from a vehicle or in any other manner that causes the provider of the service to provide the service at a location other than the location of the business, the provider of the service shall carry a copy of the permit with him when he is performing services.

Sec. 10. 1. If the applicant complies with the provisions of section 9 of this act, the department shall issue a permit.

2. A permit is not assignable and is valid only for the person in whose name it is issued and, except as otherwise provided in section 9 of this act, for the provision of services at the place designated on it.

3. The holder of a permit shall at all times conspicuously display the permit in the place for which it is issued.

Sec. 11. Any person whose permit issued pursuant to this chapter has been previously suspended or revoked must pay the department a fee of $50 for the renewal or issuance of a new permit.

Sec. 12. 1. If any person fails to comply with any of the provisions of this chapter relating to the tax imposed by this chapter or any regulation adopted pursuant to this chapter, the department may, after a hearing of which the person was given prior notice of at least 10 days in writing specifying the time and place of the hearing and requiring him to show cause why his permit or permits should not be revoked or suspended, revoke or suspend any one or more of the permits held by the person.

2. The department shall give to the person written notice of the suspension or revocation of any of his permits.

3. The notice may be served personally or by mail in the manner prescribed for the service of a notice of a deficiency determination.

4. The department shall not issue a new permit to a person whose license has been revoked unless it is satisfied that the person will comply with the provisions of this chapter and the regulations adopted pursuant thereto.

Sec. 13. Except as otherwise provided in section 15 of this act, the taxes imposed by this chapter are payable to the department monthly on or before the last day of the month next succeeding the month for which they are due.

Sec. 14. 1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the department in such form as the department may prescribe.

2. A return must be filed by each business providing a service on which the tax is imposed by this chapter. The return must be signed by the person required to file the return or his authorized agent. The return is not required to be verified by oath.

Sec. 15. 1. The return must show the total consideration received by the taxpayer during the preceding reporting period on which the tax is imposed by this chapter.

2. The return must also show the amount of the taxes for the period covered by the return and such other information as the department deems necessary for the proper administration of this chapter.

3. The person required to file the return shall deliver the return with a remittance of the amount of the tax due to the department.

4. The department, if it deems it necessary to ensure payment to or facilitate the collection of the amount of taxes, may require returns and payment of the amount of taxes for periods other than calendar months.

Sec. 16. The department may, for good cause, extend for a period not to exceed 1 month the time for making any return or paying any amount required to be paid pursuant to this chapter.

Sec. 17. 1. If the department is not satisfied with the return or returns of the tax or the amount of tax required to be paid to the state by any person, it may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within its possession or that may come into its possession. One or more deficiency determinations may be made of the amount due for one or for more than one period.

2. In making a determination the department may offset an overpayment for a period, together with interest on the overpayment, against any underpayment for another period, against any penalty or interest on the underpayment.

3. The interest on any underpayment or overpayment must be computed in the manner set forth in NRS 360.417 and section 49 of this act.

4. If any part of the deficiency for which a deficiency determination is made is because of fraud or an intent to evade the provisions of this chapter or any regulations adopted pursuant thereto, a penalty of 25 percent of the amount of the determination must be added to it.

Sec. 18. 1. Except in the case of fraud, intent to evade the provisions of this chapter or regulations adopted pursuant thereto, a failure to make a return or of a claim for an additional amount pursuant to section 27 of this act, every notice of the determination of a deficiency must be personally served or mailed within 3 years after the last day of the calendar month following the period for which the amount is proposed to be determined or within 3 years after the return is filed, whichever period expires later. In the case of a failure to make a return or a claim for an additional amount pursuant to section 27 of this act, every notice of determination must be mailed or personally served within 8 years after the last day of the calendar month following the period for which the amount is proposed to be determined.

2. If, before the expiration of the time prescribed in this section for the mailing of a notice of determination, the taxpayer has consented in writing to the mailing of the notice after that time, the notice may be mailed at any time before the expiration of the period agreed upon. The period so agreed upon may be extended by a subsequent agreement in writing made before the expiration of the period previously agreed upon.

Sec. 19. 1. The department shall give to the taxpayer written notice of its determination.

2. The notice may be served personally or by mail. If the notice is served by mail, the notice must be addressed to the taxpayer at his address as it appears in the records of the department.

3. In the case of service by mail of any notice required by this chapter, the service is complete when the notice is deposited with the United States Postal Service.

Sec. 20. 1. If any person fails to make a return, the department shall make an estimate of the total amount of the consideration received by the person so failing on which the tax is imposed by this chapter. The estimate must be made for the period or periods for which the person failed to make a

return and based upon any information which is in the department's possession or may come into its possession. Upon the basis of that estimate, the department shall compute and determine the amount required to be paid to the state and add to that amount a penalty equal to 10 percent of the amount. One or more determinations may be made for one or for more than one period.

2. If an enterprise is discontinued, a determination may be made at any time thereafter within the periods specified in section 18 of this act concerning liability arising out of that business, irrespective of whether the determination is issued before the date the liability is due as otherwise specified in this chapter.

Sec. 21. 1. In making a determination, the department may offset an overpayment for a period, together with interest on the overpayment, against any underpayment for another period, against any penalty and against the interest on the underpayment.

2. The interest on any underpayment or overpayment must be computed in the manner set forth in NRS 360.417 and section 49 of this act.

Sec. 22. The amount of the determination, exclusive of penalties, bears interest at the rate of 1.5 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of it should have been returned until the date of payment.

Sec. 23. If the failure of any person to file a return is because of fraud or intent to evade the provisions of this chapter or any regulations adopted pursuant thereto, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, must be added to it, in addition to the 10 percent penalty provided in section 20 of this act.

Sec. 24. Promptly after making its determination the department shall give to the person written notice of the estimate, determination and penalty, the notice to be served personally or by mail in the manner prescribed for the service of a notice of a deficiency determination.

Sec. 25. 1. Any person against whom a determination is made pursuant to sections 17 to 24, inclusive, of this act, or any person directly interested, may petition for a redetermination within 30 days after service upon the person of the notice of the determination.

2. If a petition for redetermination is not filed within the 30-day period, the determination becomes final at the expiration of the period.

Sec. 26. 1. If a petition for redetermination is filed within the 30-day period, the department shall reconsider the determination and, if the person has so requested in his petition, shall grant him an oral hearing and give him 10 days' notice of the time and place of the hearing.

2. The department may continue the hearing from time to time as necessary.

Sec. 27. The department may decrease or increase the amount of the determination before it becomes final, except that the amount may be increased only if a claim for the increase is asserted by the department at or before the hearing.

Sec. 28. The order or decision of the department upon a petition for redetermination becomes final 30 days after the service upon the petitioner of the notice of the order or decision.

Sec. 29. All determinations made by the department pursuant to sections 17 to 24, inclusive, of this act, are due at the time they become final. If they are not paid when due, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, must be added to it.

Sec. 30. Any notice required by sections 24 to 28, inclusive, of this act, must be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Sec. 31. 1. The department, if it deems it necessary to ensure compliance with this chapter, may require any person subject to the chapter to place with it such security as the department may determine. The department shall fix the amount of the security which, except as otherwise provided in subsection 2, may not be greater than three times the estimated average tax due monthly of persons filing returns for monthly periods, determined in such manner as the department deems proper.

2. In the case of persons who are habitually delinquent in their obligations pursuant to this chapter, the amount of the security may not be greater than five times the average actual tax due monthly of persons filing returns for monthly periods.

3. The limitations provided in this section apply regardless of the type of security placed with the department.

4. The amount of the security may be increased or decreased by the department subject to the limitations provided in this section.

5. The department may sell the security at public auction if it becomes necessary to recover any tax or any amount required to be collected, interest or penalty due. Notice of the sale may be served upon the person who placed the security personally or by mail. If the notice is served by mail, service must be made in the manner prescribed for service of a notice of a deficiency determination and must be addressed to the person at his address as it appears in the records of the department. Security in the form of a bearer bond issued by the United States or the State of Nevada which has a prevailing market price may be sold by the department at a private sale at a price not lower than the prevailing market price.

6. Upon any sale any surplus above the amounts due must be returned to the person who placed the security.

Sec. 32. At any time within 3 years after any tax or any amount of tax required to be collected becomes due, and at any time within 3 years after the delinquency of any tax or any amount of tax required to be collected, or within 3 years after the last recording of an abstract pursuant to section 38 of this act or a certificate pursuant to section 40 of this act, the department may bring an action in the courts of this state, or any other state, or of the United States, in the name of the State of Nevada, to collect the amount delinquent together with penalties and interest.

Sec. 33. The attorney general shall prosecute the action and the provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 34. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

Sec. 35. In the action a certificate by the department showing the delinquency is prima facie evidence of the determination of the tax or the amount of the tax, of the delinquency of the amounts set forth and of the compliance by the department with all the provisions of this chapter in relation to the computation and determination of the amounts.

Sec. 36. If any amount required to be paid to the state pursuant to this chapter is not paid when due, the department may, within 3 years after the amount is due, file in the office of the county clerk of any county a certificate specifying the amount required to be paid, interest and penalty due, the name and address as it appears on the records of the department of the person liable, the compliance of the department with this chapter in relation to the determination of the amount required to be paid and a request that judgment be entered against the person in the amount required to be paid, together with interest and penalty as set forth in the certificate.

Sec. 37. The county clerk immediately upon the filing of the certificate shall enter a judgment for the State of Nevada against the person in the amount required to be paid, together with interest and penalty as set forth in the certificate.

Sec. 38. 1. An abstract of the judgment or a copy thereof may be filed for record with the county recorder of any county.

2. From the time of the filing, the amount required to be paid, together with interest and penalty set forth, constitutes a lien upon all the real and personal property in the county owned by the person liable or acquired by him afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the date of the judgment so entered by the county clerk unless sooner released or otherwise discharged.

3. The lien may, within 5 years after the date of the judgment or within 5 years after the date of the last extension of the lien pursuant to this subsection, be extended by filing for record in the office of the county recorder of any county, an abstract or copy of the judgment, and from the time of filing, the lien is extended to the real and personal property in the county for 5 years, unless sooner released or otherwise discharged.

Sec. 39. Execution must issue upon the judgment upon request of the department in the same manner as execution may issue upon other judgments, and sales must be held pursuant to the execution as prescribed by law.

Sec. 40. 1. If any amount required to be paid to the state pursuant to this chapter is not paid when due, the department may, within 3 years after the amount is due, file for record in the office of any county recorder a certificate specifying the amount, interest and penalty due, the name and

address as it appears on the records of the department of the person liable for the amount due, and the fact that the department has complied with all provisions of this chapter in the determination of the amount required to be paid.

2. From the time of the filing for record, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real and personal property in the county owned by the person or acquired by him afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. The lien may, within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, be extended by filing for record a new certificate in the office of the county recorder of any county, and from the time of filing, the lien is extended to the real and personal property in the county for 5 years, unless sooner released or otherwise discharged.

Sec. 41. 1. The department may at any time release all or any portion of the property subject to any lien provided for in this chapter from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest and penalties are secured sufficiently by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest and penalties.

2. A certificate by the department to the effect that any property has been released from the lien, or that the lien has been subordinated to other liens and encumbrances, is conclusive evidence that the property has been released or the lien has been subordinated as provided in the certificate.

Sec. 42. 1. At any time within 3 years after any person is delinquent in the payment of any amount required to be paid, or within 3 years after the last recording of an abstract pursuant to section 38 of this act, or a certificate pursuant to section 40 of this act, the department or its authorized representative may issue a warrant for the enforcement of any liens and the collection of any amount required to be paid to the state pursuant to this chapter.

2. The warrant must be directed to any sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 43. 1. The department may pay or advance to the sheriff or constable the same fees, commissions and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The department shall approve the fees for publication in a newspaper.

2. The fees, commissions and expenses are the obligation of the person required to pay any amount pursuant to this chapter and may be collected from him by virtue of the warrant or in any other manner provided in this chapter for the collection of the tax.

Sec. 44. If the person who is liable for any amount pursuant to this chapter sells his enterprise or quits the enterprise, his successors or assigns

shall withhold sufficient of the purchase price to cover that amount until the former owner produces a receipt from the department showing that it has been paid or a certificate stating that no amount is due.

Sec. 45. 1. If the purchaser of a business fails to withhold the purchase price as required, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 60 days after receiving a written request from the purchaser for a certificate or within 60 days after the date the former owner's records are made available for audit, whichever period expires later, but not later than 90 days after receiving the request, the department shall issue the certificate or mail notice to the purchaser at his address as it appears on the records of the department, of the amount that must be paid as a condition of issuing the certificate.

2. Failure of the department to mail the notice releases the purchaser from any further obligation to withhold the purchase price.

3. The time within which the obligation of a successor may be enforced begins when the former owner sells his enterprise or the determination against the former owner becomes final, whichever occurs later.

Sec. 46. 1. If the department determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department and certify to the state board of examiners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the state board of examiners, the excess amount collected or paid must be credited on any amounts then due from the person pursuant to this chapter, and the balance refunded to the person, or his successors, administrators or executors.

2. Any overpayment of the tax imposed pursuant to this chapter by a customer to a person who is required to collect the tax and who gives the customer a receipt therefor must be credited or refunded by the state to the customer.

Sec. 47. 1. No refund may be allowed unless a claim for it is filed with the department within 3 years after the last day of the month following the close of the period for which the overpayment was made, or, with respect to determinations made pursuant to sections 17 to 24, inclusive, of this act, within 6 months after the determinations become final, or within 6 months after the date of overpayment, whichever period expires later.

2. No credit may be allowed after the expiration of the period specified for filing claims for a refund unless a claim for credit is filed with the department within that period or the credit relates to a period for which a waiver is given pursuant to section 18 of this act.

Sec. 48. 1. Every claim must be in writing and must state the specific grounds upon which the claim is founded.

2. Failure to file a claim within the time prescribed in section 47 of this act constitutes a waiver of any demand against the state on account of overpayment.

3. Within 30 days after disallowing any claim in whole or in part, the department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 49. 1. Interest must be paid upon any overpayment of any amount of tax at the rate of one-half of 1 percent per month from the last day of the calendar month following the period for which the overpayment was made. No refund or credit may be made of any interest imposed upon the person making the overpayment with respect to the amount being refunded or credited.

2. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is certified to the state board of examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

3. If the department determines that any overpayment has been made intentionally or by reason of carelessness, it may not allow any interest on it.

Sec. 50. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection pursuant to this chapter of any tax or any amount of tax required to be collected.

Sec. 51. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for a refund or credit has been filed.

Sec. 52. 1. Within 90 days after the mailing of the notice of the department's action upon a claim filed pursuant to this chapter, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring an action within the time specified constitutes a waiver of any demand against the state on account of alleged overpayments.

Sec. 53. If the department fails to mail a notice of action on a claim within 6 months after the claim is filed, the claimant may, before the mailing of a notice by the department of its action on the claim, consider the claim disallowed and bring an action against the department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

Sec. 54. If judgment is for a refund, it must be credited on any tax imposed pursuant to this chapter due from the plaintiff. The balance of the judgment must be refunded to the plaintiff.

Sec. 55. In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been collected illegally from the date of the payment of the amount to the date of the allowance of

credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days. The department shall determine that date.

Sec. 56. A judgment may not be rendered in favor of the plaintiff in any action brought against the department to recover any amount paid if the action is brought by or in the name of an assignee of the person paying the amount or by any person other than the person who paid the amount.

Sec. 57. 1. The department may recover any refund or part of a refund which is erroneously made and any credit or part of a credit which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City in the name of the State of Nevada.

2. The action must be tried in Carson City unless the court, with the consent of the attorney general, orders a change of place of trial.

3. The attorney general shall prosecute the action and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 58. 1. If any amount in excess of $25 has been illegally determined by the person filing the return or the department, the department shall certify that fact to the state board of examiners and the board shall authorize the cancellation of the amount upon the records of the department.

2. If an amount not exceeding $25 has been illegally determined by the person filing a return or the department, the department, without certifying this fact to the state board of examiners, shall authorize the cancellation of the amount upon the records of the department.

Sec. 59. 1. The department shall enforce the provisions of this chapter and may adopt regulations relating to the administration and enforcement of this chapter.

2. The department may prescribe the extent to which any regulation may be applied without retroactive effect.

Sec. 60. The department may employ accountants, auditors, investigators, assistants and clerks necessary for the efficient administration of this chapter and may delegate authority to its representatives to conduct hearings, adopt regulations or perform any other duties imposed by this chapter.

Sec. 61. Each person in this state who is liable for tax under this chapter:

1. Shall keep records, receipts, invoices and other pertinent papers in such form as the department may require.

2. Who files the returns required pursuant to this chapter shall keep the records for not less than 4 years unless the department in writing sooner authorizes their destruction.

3. Who fails to file the returns required pursuant to this chapter shall keep the records for not less than 8 years unless the department in writing sooner authorizes their destruction.

Sec. 62. 1. The department, or any person authorized in writing by it, may examine the books, papers, records and equipment of any taxpayer and

may investigate the character of his business to verify the accuracy of any return made, or, if no return is made by the person liable, to determine the amount required to be paid.

2. Any person who keeps outside of this state his records, receipts, invoices and other documents relating to the total amount of the fees, charges and other consideration received by him on which the tax is imposed by this chapter, shall pay to the department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the state for each day or fraction thereof during which an employee of the department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 63. 1. Except as otherwise provided in this section, it is unlawful for any member of the Nevada tax commission or officer or employee of the department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any taxpayer or any other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the department.

2. The governor may, by general or special order, authorize the examination of the records maintained by the department pursuant to this chapter by:

(a) Other state officers;

(b) Tax officers of another state;

(c) The Federal Government, if a reciprocal arrangement exists; or

(d) Any other person.

The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

3. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information concerning the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

4. Any relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of the tax due.

Sec. 64. Any taxpayer in this state who:

1. Fails or refuses to furnish any return required to be made;

2. Fails or refuses to furnish a supplemental return or other data required by the department; or

3. Renders a false or fraudulent return,

shall be fined not more than $500 for each offense.

Sec. 65. Any person required to make, render, sign or verify any report who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due required by law to be made, shall for each

offense be fined not less than $300 nor more than $5,000, or be imprisoned for not more than 1 year in the county jail, or be punished by both fine and imprisonment.

Sec. 66. 1. Except as otherwise provided by specific statute, any violation of this chapter is a misdemeanor.

2. Any prosecution for a violation of any of the penal provisions of this chapter must be instituted within 3 years after the commission of the offense.

3. In the determination of any case arising under this chapter, the rule of res judicata is applicable only if the liability involved is for the same period as was involved in another case previously determined.

Sec. 67. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the state pursuant to this chapter must be paid to the department in the form of remittances payable to the department.

Sec. 68. The remedies of the state provided for in this chapter are cumulative and no action taken by the department or the attorney general constitutes an election by the state to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 69. In all proceedings conducted pursuant to the provisions of this chapter, the department may act for and on behalf of the State of Nevada.

Sec. 70. 1. The governing body of an Indian reservation or Indian colony may impose a tax on the fees, charges and other consideration received by the provider of a service whose fixed place of business is located on the reservation or in the colony.

2. If the tax is imposed, the governing body may establish procedures for collecting the tax from the proprietor of any such enterprise located on the reservation or in the colony.

Sec. 71. The department of taxation shall not collect the tax imposed by this chapter on an Indian reservation or in an Indian colony on which a tax has been imposed pursuant to section 70 of this act if:

1. The tax is equal to or greater than the tax imposed by this chapter; and

2. A copy of an approved tribal tax ordinance imposing the tax has been filed with the department of taxation.

Sec. 72. NRS 360.412 is hereby amended to read as follows:

360.412 If the department believes that the collection of any amount of sales or use tax , *tax upon receipts for services,* or other excise due under this Title or chapter 585 of NRS will be jeopardized by delay, it shall make a determination of the amount required to be collected and serve notice of the determination upon the person against whom it is made.

Sec. 73. NRS 360.417 is hereby amended to read as follows:

360.417 Any person who fails to pay any tax provided for in chapter 362, 365, 369, 370, 372, 373 or 374 of NRS *and sections 2 to 71, inclusive, of this act,* or fee provided for in NRS 590.700 to 590.920, inclusive, to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date on which the tax or fee became due until the date of payment.

Sec. 74. NRS 100.010 is hereby amended to read as follows:

100.010 1. Subject to the provisions of subsection 2, in all assignments of property, whether real or personal, [which shall hereafter be] made by any person [or chartered company or corporation,] or by any person [or persons,] owning or leasing real or personal property, to trustees or assignees [on account] *because* of *an* inability at the time of the assignment to pay his [, her or their] debts, the wages of the miners, mechanics, salesmen, servants, clerks or laborers, employed by [such person or persons, chartered company or corporation] *that person* shall be [held and] deemed preferred claims, and paid by [such] *the* trustees or assignees before any other creditor or creditors of the assignor, including the state as a creditor for amounts due under the provisions of chapter 372 of NRS [.] *, or sections 2 to 71, inclusive, of this act.*

2. The claims of each miner, mechanic, salesman, servant, clerk or laborer thus preferred, [shall] *must* not exceed in value $600, and the services [shall] *must* have been rendered or labor performed within 90 days next preceding the assignment.

Sec. 75. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. A tax is hereby imposed upon the transfer of a right to use water from one person to another. The amount of the tax is $11 for each acre-foot.*

*2. The tax imposed by subsection 1 does not apply to:*

*(a) A transfer to or from the United States, this state, a political subdivision or district of this state, or an agency of any of these.*

*(b) A transfer made in conjunction with the conveyance of the land to which the right pertains.*

*3. If the state engineer determines that a proposed transfer should otherwise be approved, he shall before approving it collect the tax from the transfer. The state engineer shall deposit all money collected pursuant to this section with the state treasurer for credit to the state general fund.*

Sec. 76. 1. There is hereby appropriated from the state general fund to the department of taxation for the costs of additional computer programming, employees, travel expenses and operating costs necessary to carry out the provisions of this act:

For fiscal year 1991-1992 ..... $482,903

For fiscal year 1992-1993 ..... $357,123

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 77. 1. This section and section 76 of this act become effective on July 1, 1991.

2. The remaining sections of this act become effective on January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; imposing a tax on the receipts from certain services; imposing a tax on the transfer of water rights; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes tax on receipts from certain services and transfer of water rights. (BDR 32-66)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 296 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1291.

Amend section 1, page 1, line 2, by deleting "49," and inserting "33,".

Amend sec. 2, page 1, line 5, by deleting "19," and inserting "6,".

Amend the bill as a whole by deleting sections 3 through 53 and adding new sections designated sections 3 through 43, following sec. 2, to read as follows:

"Sec. 3. 1. "Business" includes:

(a) A corporation, partnership, proprietorship, business association and any other similar organization that conducts an activity for profit; and

(b) The activities of a natural person which are deemed to be a business pursuant to section 7 of this act.

2. The term includes an independent contractor.

3. The term does not include:

(a) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c); or

(b) A governmental entity.

Sec. 4. "Commission" means the Nevada tax commission.

Sec. 5. 1. "Employee" includes:

(a) A person who receives wages or other remuneration for personal services, including commissions and bonuses and remuneration payable in a medium other than cash; and

(b) A person engaged in the operation of a business.

2. The term includes:

(a) A sole proprietor, partner or other owner or co-owner of a business; and

(b) A person reported as an employee to the:

(1) Employment security department;

(2) State industrial insurance system; or

(3) Internal Revenue Service on an Employer's Quarterly Federal Tax Return (Form 941), Employer's Monthly Federal Tax Return (Form 941-M), Employer's Annual Tax Return for Agricultural Employees (Form 943) or any equivalent or successor form.

3. The term does not include:

(a) A business, including an independent contractor, that performs services on behalf of another business.

(b) A person who is retired or otherwise receiving remuneration solely because of past service to the business.

4. An independent contractor is not an employee of a business with whom he contracts but is an employee of his own business.

Sec. 6. "Wages" means any remuneration paid for personal services, including commissions, and bonuses and remuneration payable in any medium other than cash.

Sec. 7. 1. The activity or activities conducted by a natural person shall be deemed to be a business that is subject to the provisions of this chapter if the person files with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss from Business Form, or its equivalent or successor form, or a Schedule F (Form 1040), Farm Income and Expenses Form, or its equivalent or successor form, for the activity or activities. This section does not apply to a natural person who files such a form only for income or loss that is passed through from a partnership which pays the tax imposed by this chapter.

2. For the purposes of this chapter, including the issuance of a business license, all activities that are conducted by the same natural person that are deemed to be a business pursuant to subsection 1, shall be deemed to be conducted through the same business.

Sec. 8. 1. A person shall not conduct a business in this state unless he has a business license issued by the department.

2. The application for a business license must:

(a) Be made upon a form prescribed by the department;

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;

(c) Declare the estimated number of employees for the previous calendar quarter;

(d) Be accompanied by a fee of $25; and

(e) Include any other information that the department deems necessary.

3. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An executive officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.

5. For the purposes of this chapter, all corporations, partnerships, proprietorships, business associations and other similar organizations that are owned by the same person and any other activities conducted by that person for profit, shall be deemed to be conducted through the same business. If the person is not a natural person, the ownership of all organizations which are grouped into one business pursuant to this subsection must be identical.

6. For the purposes of this chapter, a person shall be deemed to conduct a business in this state if a business for which the person is responsible:

(a) Is incorporated pursuant to chapter 78 or 78A of NRS;

(b) Has an office or other base of operations in this state; or

(c) Pays wages or other remuneration to a person who performs in this state any of the duties for which he is paid.

Sec. 9. 1. A tax is hereby imposed upon the privilege of conducting business in this state. The tax must be paid on or before the last day of each calendar quarter on the basis of the average number of employees in the previous calendar quarter.

2. The amount of tax due per quarter for a business with an average number of employees of:

(a) Not more than 99 must be determined pursuant to the following table:

| Average Number of Employees during the Previous Calender Quarter | Total Tax for the Calendar Quarter |
|---|---|
| 1 | $25 |
| More than 1 but not more than 4 | 75 |
| More than 4 but not more than 9 | 175 |
| More than 9 but not more than 19 | 375 |
| More than 19 but not more than 35 | 700 |
| More than 35 but not more than 49 | 1,050 |
| More than 49 but not more than 75 | 1,600 |
| More than 75 but not more than 99 | 2,250 |

(b) More than 99 but not more than 999 is $2,250 plus $30 for each employee, or portion thereof, over 99.

(c) More than 999 is $29,250 plus $17.50 for each employee, or portion thereof, over 999 up to but not exceeding $100,000 for the quarter.

3. Each business shall file a return on a form prescribed by the department with each remittance of the tax. The return must include a statement of the average number of employees of the business for the preceding quarter and any other information the department determines is necessary.

4. The department shall prorate the tax:

(a) If a business begun during the quarter applies for its license within 10 days after opening and tenders payment on or before the last day of the quarter.

(b) If a business ended during the quarter surrenders its license and tenders payment within 10 days after closing.

Sec. 10. 1. To verify the accuracy of any return filed, or, if no return is filed by a business, to determine the amount required to be paid, the

department, or any person authorized in writing by it, may examine the books, papers, and records of any person or business that may be liable for the tax imposed by this chapter.

2. Any person or business which may be liable for the tax imposed by this chapter and which keeps outside of this state its books, papers and records relating thereto, shall pay to the department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the state for each day or fraction thereof during which an employee of the department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 11. The executive director may:

1. Request lists of employers and employees from the state industrial insurance system and the employment security department; and

2. Enter into an agreement for the exchange of information with the Internal Revenue Service,

to carry out the provisions of this chapter.

Sec. 12. Upon written application made before the due date, for good cause the department may extend the time within which a business is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the business shall pay interest at the rate of 1.5 percent per month, or fraction thereof, from the date the amount would have been due without the extension until the date of payment.

Sec. 13. Notwithstanding any other provision of this Title, in any action by the department to enforce the provisions of this chapter, it is a valid defense against a claim for taxes due for a quarter before the quarter in which the action is filed, to recover taxes imposed pursuant to paragraph (a) of subsection 2 of section 9 of this act, including any penalties or interest due thereon, that the person responsible for a business had not received any correspondence from the department concerning the tax and was otherwise unaware of the liability, but the tax for the current quarter and thereafter must be paid when due.

Sec. 14. 1. Each person responsible for a business shall:

(a) Keep such records as may be necessary to determine the amount of its liability pursuant to the provisions of this chapter;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to this chapter is finally determined, whichever is longer; and

(c) Make the records available for inspection by the department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 15. 1. A person shall not:

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration, with intent to defraud the state or to evade payment of the tax or any part of the tax imposed by this chapter.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the state or to evade the payment of the tax or any part of the tax imposed by this chapter.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the state or to evade the payment of the tax or any part of the tax imposed by this chapter.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 16. 1. Except as otherwise provided in subsection 2, the records and files of the department concerning the administration of this chapter are confidential and privileged. The department, and any employee engaged in the administration of this chapter, or charged with the custody of any such records or files, shall not disclose any information obtained from the department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the department nor any employee of the department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the department and production of records, files and information on behalf of the department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the governor or his agent in the exercise of the governor's general supervisory powers, or to any person authorized to audit the accounts of the department in pursuance of an audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding pursuant to this chapter or to any agency of this or any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

Sec. 17. 1. If any business which is liable for any amount pursuant to this chapter sells out its business, or any portion thereof, or stock of goods, or quits the business, its successors or assigns shall withhold a sufficient portion of the purchase price to cover that amount until the former owner produces a receipt from the department showing that it has been paid or a certificate stating that no amount is due.

2. If the purchaser of a business, or any portion thereof, or stock of goods fails to withhold from the purchase price the amount required by

subsection 1, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 60 days after receiving a written request from the purchaser for a certificate, or within 60 days from the date the former owner's records are made available for audit, whichever period expires later, but not later than 90 days after receiving the request, the department shall issue the certificate or mail notice to the purchaser at his address as it appears on the records of the department, of the amount that must be paid as a condition of issuing the certificate.

3. Failure of the department to mail the notice releases the purchaser from further obligation to withhold any portion of the purchase price.

4. The time within which the obligation of a successor may be enforced begins at the time the person or business sells out its business or stock of goods or at the time that the determination against the person or business becomes final, whichever occurs later.

Sec. 18. 1. A person who contracts with, employs or otherwise agrees to compensate an independent contractor, subcontractor or other person who is required by this chapter to have a business license and pay the tax imposed by this chapter shall require proof that the independent contractor, subcontractor or other person has a business license and is not delinquent in paying the tax imposed by this chapter before making any payments.

2. A person who violates the provisions of subsection 1 is personally liable for any taxes owed by the independent contractor, subcontractor or other person that were delinquent at the time the contract or other agreement was finalized.

Sec. 19. 1. If any amount required to be paid to the state pursuant to this chapter is not paid when due, the department may, within 3 years after the amount is due, file for record in the office of any county recorder a certificate specifying the amount, interest and penalty due, the name and address as it appears on the records of the department of the person liable for the amount due, and the fact that the department has complied with all provisions of this chapter in the determination of the amount required to be paid.

2. From the time of the filing for record, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real and personal property in the county owned by the person or acquired by him afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. The lien may, within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, be extended by filing for record a new certificate in the office of the county recorder of any county, and from the time of filing, the lien is extended to the real and personal property in the county for 5 years, unless sooner released or otherwise discharged.

4. The department may at any time release all or any portion of the property subject to any lien provided for in this chapter from the lien or

subordinate the lien or other liens and encumbrances if it determines that the amount, interest and penalties are secured sufficiently by a lien or other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest and penalties.

5. A certificate by the department to the effect that any property has been released from the lien, or that the lien has been subordinated to other liens and encumbrances, is conclusive evidence that the property has been released, or that the lien has been subordinated as provided in the certificate.

Sec. 20. 1. At any time within 3 years after any tax or any amount of the tax imposed by this chapter becomes due, and at any time within 3 years after the delinquency of any such tax, or within 5 years after the last recording of an abstract pursuant to NRS 360.450, or of a certificate pursuant to section 19 of this act, the department may bring an action in the courts of this state, or any other state, or of the United States, in the name of the people of the State of Nevada, to collect the amount delinquent together with penalties and interest.

2. The attorney general shall prosecute the action, and the provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

3. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

4. In the action a certificate by the department showing the delinquency is prima facie evidence of the determination of the tax or the amount of the tax, of the delinquency of the amounts set forth, and of the compliance by the department with all the provisions of this chapter in relation to the computation and determination of the amounts.

Sec. 21. If the department determines that any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department and certify to the state board of examiners the amount collected in excess of the amount legally due and the business or person from which it was collected or by whom paid. If approved by the state board of examiners, the excess amount collected or paid must be credited on any amounts then due from the person or business under this chapter, and the balance refunded to the person or business, or its successors, administrators or executors.

Sec. 22. 1. Except as otherwise provided in NRS 360.235:

(a) No refund may be allowed unless a claim for it is filed with the department within 3 years after the last day of the month following the close of the period for which the overpayment was made, or, with respect to determinations made pursuant to NRS 360.300 to 360.416, inclusive, within 6 months after the determination becomes final, or within 6 months after the date of overpayment, whichever period expires later.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the state on account of overpayment.

4. Within 30 days after disallowing any claim in whole or in part, the department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 23. 1. Interest must be paid upon any overpayment of any amount of the fee or tax imposed by this chapter at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the calendar month following the period for which the overpayment was made. No refund or credit may be made of any interest imposed upon the person or business making the overpayment with respect to the amount being refunded or credited.

2. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is certified to the state board of examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the fee or tax or amount against which the credit is applied.

3. If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest on it.

Sec. 24. 1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under this chapter of the tax imposed by this chapter or any amount of tax, penalty or interest required to be collected.

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 25. 1. Within 90 days after the mailing of the notice of the department's action upon a claim filed pursuant to this chapter, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.

2. Failure to bring action within the time specified constitutes a waiver of any demand against the state on account of alleged overpayments.

Sec. 26. 1. If the department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may, before the mailing of notice by the department of its action on the claim, consider the claim

disallowed and bring an action against the department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any fee or tax due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 27. In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the department.

Sec. 28. A judgment may not be rendered in favor of the plaintiff in any action brought against the department to recover any amount paid when the action is brought by or in the name of an assignee of the business paying the amount or by any person other than the person or business which paid the amount.

Sec. 29. 1. The department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City in the name of the State of Nevada.

2. The action must be tried in Carson City unless the court with the consent of the attorney general orders a change of place of trial.

3. The attorney general shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings.

Sec. 30. 1. If any amount in excess of $25 has been illegally determined, either by the person filing the return or by the department, the department shall certify this fact to the state board of examiners, and the latter shall authorize the cancellation of the amount upon the records of the department.

2. If an amount not exceeding $25 has been illegally determined, either by the person or business filing a return or by the department, the department without certifying this fact to the state board of examiners, shall authorize the cancellation of the amount upon the records of the department.

Sec. 31. 1. The department shall deposit all fees, taxes, interest and penalties it receives under this chapter in the state treasury for credit to the business tax account in the state general fund.

2. The money in the business tax account may, upon order of the state controller, be used for refunds under this chapter.

Sec. 32. The remedies of the state provided for in this chapter are cumulative, and no action taken by the department or the attorney general constitutes an election by the state to pursue any remedy to the exclusion of any other remedy for which provision is made in this chapter.

Sec. 33. The commission shall adopt such regulations as it deems necessary to carry out the provisions of this chapter.

Sec. 34. NRS 360.412 is hereby amended to read as follows:

360.412 If the department believes that the collection of any amount of sales or use tax , *business tax,* or other excise due under this Title or chapter 585 of NRS will be jeopardized by delay, it shall make a determination of the amount required to be collected and serve notice of the determination upon the person against whom it is made.

Sec. 35. NRS 360.417 is hereby amended to read as follows:

360.417 [Any] *Unless a different penalty or rate of interest is specifically provided, any* person who fails to pay any tax provided for in chapter 362, 365, 369, 370, 372, 373 or 374 of NRS *or sections 2 to 33, inclusive, of this act,* or fee provided for in NRS 590.700 to 590.920, inclusive, to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date on which the tax or fee became due until the date of payment.

Sec. 36. NRS 78.150 is hereby amended to read as follows:

78.150 1. Each corporation organized under the laws of this state shall, on or before the last day of the month in which the anniversary date of incorporation occurs in each year, file with the secretary of state a list of its officers and directors and a designation of its resident agent in this state, certified by the president, secretary or other officer of the corporation.

2. Upon filing the list of officers and directors and designation of resident agent, the corporation shall pay to the secretary of state a fee of [$50.] *$75.*

3. The secretary of state shall, 60 days before the last day for filing the list required by subsection 1, cause to be mailed to each corporation required to comply with the provisions of NRS 78.150 to 78.185, inclusive, and which has not become delinquent, the blank forms to be completed and filed with the secretary of state. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by law.

Sec. 37. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsection 2, the board of county commissioners may:

(a) Regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in section 3.7 of [this act,] *chapter 19, Statutes of Nevada 1991,* fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by

law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. *No license to engage in any type of business may be granted unless the applicant for the license submits written evidence from the department of taxation indicating that the business has complied with the provisions of sections 2 to 33, inclusive, of this act.*

*4.* No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the state has issued or will issue a license required for this activity.

[4.] *5.* Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 90 days following the date on which the tax became delinquent, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

[5.] *6.* The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. Except as otherwise provided in NRS 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the department of taxation for the exchange of information concerning taxpayers.

Sec. 38. NRS 268.095 is hereby amended to read as follows:

268.095 1. The city council or other governing body of each incorporated city in the State of Nevada, whether organized under general law or special charter, may:

(a) Except as otherwise provided in section 13.5 of [this act,] *chapter 19, Statutes of Nevada 1991,* fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

2. *No license to engage in any type of business may be granted unless the applicant for the license submits written evidence from the department of taxation indicating that the business has complied with the provisions of sections 2 to 33, inclusive, of this act.*

*3.* No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the state has issued or will issue a license required for this activity.

[3.] *4.* Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 90 days following the date on which the tax became delinquent, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

[4.] *5.* The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. Except as otherwise provided in NRS 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the department of taxation for the exchange of information concerning taxpayers.

[5.] *6.* The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 39. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the employment security department, to the extent necessary for the proper presentation of his claim in any proceeding under this chapter. A claimant or an employing unit is not entitled to information from the records of the employment security department for any other purpose.

3. Subject to such restrictions as the executive director may by regulation prescribe, such information may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of an unemployment compensation law, public assistance law, workman's compensation or labor law, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support; or

(c) The Internal Revenue Service of the Department of the Treasury. Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may provide information on the names of employers, their geographic locations, their type or class of business or industry, and the approximate number of employees employed by each employer to the commission on economic development for its use in developing and diversifying the economic interests of this state.

5. Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

7. *The executive director shall provide lists containing the names and addresses of employers and the number of employees employed by each employer to the department of taxation, upon request, for its use in verifying returns for the business tax.*

*8.* The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

[8.] *9.* If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits under this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

[9.] *10.* All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are

privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 40. NRS 616.192 is hereby amended to read as follows:

616.192 1. Except as otherwise provided in this section and in NRS 616.193 and 616.550, information obtained from any employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or his legal representative is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under this chapter.

3. The department and administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The manager may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of workers' compensation law, unemployment compensation law, public assistance law or labor law;

(b) Any state or local agency for the enforcement of child support; or

(c) The Internal Revenue Service of the Department of the Treasury.

Information obtained in connection with the administration of a workers' compensation program may be made available to persons or agencies for purposes appropriate to the operation of a workers' compensation program.

4. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the manager that he furnish from the records of the insurer, the name, address and place of employment of any person listed in the records of the insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the manager shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

5. *The manager shall provide lists containing the names and addresses of employers and the number of employees employed by each employer to the department of taxation, upon request, for its use in verifying returns for the business tax.*

*6.* If any employee or member of the board of directors or manager or any employee of the manager, in violation of this section, discloses information obtained from files of claimants or policyholders, or if any person who has obtained a list of claimants or policyholders under this chapter uses or permits the use of the list for any political purposes, he is guilty of a gross misdemeanor.

[6.] *7.* All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees

are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 41. 1. There is hereby appropriated from the state general fund to the department of taxation for the costs of additional computer programming, employees, travel expenses and operating costs necessary to carry out the provisions of this act:

For fiscal year 1991-1992 ..... $2,000,080
For fiscal year 1992-1993 ..... $1,822,787

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 42. Section 1 of Assembly Bill No. 387 of this session is hereby amended to read as follows:

Section 1. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the employment security department, to the extent necessary for the proper presentation of his claim in any proceeding [under] *pursuant to* this chapter. A claimant or an employing unit is not entitled to information from the records of the employment security department for any other purpose.

3. Subject to such restrictions as the executive director may by regulation prescribe, such information may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of an unemployment compensation law, public assistance law, workman's compensation or labor law, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support; or

(c) The Internal Revenue Service of the Department of the Treasury.

Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may provide information on the names of employers, their geographic locations, their type or class of business or industry, and the approximate number of employees employed by each employer to the commission on economic development for its use in developing and diversifying the economic interests of this state.

5. Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works

or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits [under] *pursuant to* this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

7. The executive director shall provide lists containing the names and addresses of employers and the number of employees employed by each employer to the department of taxation, upon request, for its use in verifying returns for the business tax.

8. *The manager of the state industrial insurance system may submit to the executive director a list of each person who received benefits pursuant to chapter 616 or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the employment security department regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the manager must be in a form determined by the executive director and must contain the social security number of each such person. Upon receipt of such a request, the executive director shall make such a comparison and provide to the manager a list of the name, address and social security number of each person who appears, from the information submitted, to be simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS. The executive director shall charge a reasonable fee to cover any related administrative expenses. The manager shall use the information obtained pursuant to this subsection only to further a current investigation. The manager shall not disclose the information for any other purpose.*

*9.* The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

[9.] *10.* If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any

person who has obtained a list of applicants for work, or of claimants or recipients of benefits [under] *pursuant to* this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

[10.] *11.* All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 43. 1. This act becomes effective upon passage and approval for the purposes of the adoption of regulations by the Nevada tax commission and on July 1, 1991, for all other purposes.

2. The first payment of tax under this act is due on or before September 30, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to business enterprises; requiring all businesses to have a business license issued by the state; imposing a tax on the privilege of conducting business in Nevada; increasing the annual fee paid by corporations; making an appropriation; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes tax on privilege of conducting business in Nevada and increases annual fee paid by corporations. (BDR 32-65)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 303 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assembly Bill No. 619.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1254.

Amend sec. 8, pages 2 and 3, by deleting lines 47 and 48 on page 2 and line 1 on page 3 and inserting:

"For the fiscal year 1991-92 ..... $54,000

For the fiscal year 1992-93 ..... $54,000

2. There is hereby appropriated from the state general fund to the health division of the department of human resources for the establishment and operation of a genetics program pursuant to sections 2 to 7, inclusive, of this act:

For the fiscal year 1991-92 ..... $24,022

For the fiscal year 1992-93 ..... $22,927

3. Any balance of the sums appropriated by subsections 1 and 2 remaining at the".

Amend the title of the bill, third and fourth lines, by deleting "an appropriation;" and inserting "appropriations;".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1282.

Amend the resolution, page 1, by deleting lines 2 through 9 and inserting:

"JOINTLY, That section 2 of article 4 of the constitution of the State of Nevada be amended to read as follows:".

Amend the title of the resolution, second line, by deleting "limited".

Amend the summary of the resolution, first line, by deleting "limited".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1245.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $1,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and January 31, 1955; [or]

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975 [,] *; or*

*(c) Was assigned to active duty or who served on active duty outside of the United States in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1,*

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section the first $1,000 assessed valuation of property in which such a person has any interest shall be deemed the property of that person.

3. The exemption may be allowed only to a claimant who files an affidavit annually, on or before November 1 of the year preceding the year for which the tax is levied, for the purpose of being exempt on the secured tax roll, but the affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be filed with the county assessor to the effect that the affiant is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this state. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

5. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the county assessors shall continue to grant exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor of each of the several counties of this state shall require proof, of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.

Sec. 2. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $1,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and January 31, 1955; [or]

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975 [,] *; or*

*(c) Was assigned to active duty or who served on active duty outside of the United States in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1,*

and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section the first $1,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the department in the county where the exemption is claimed an affidavit declaring that he is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1, and that the exemption is claimed in no other county within this state. After the filing of the original affidavit, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, he is guilty of a gross misdemeanor.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; granting a limited exemption from certain taxes to certain persons called to active duty in military service or who served outside of the United States in connection with the authorization of the President of the United States to deploy troops to the Persian Gulf; requiring the tax receiver of a county to grant to persons serving outside of the United States an extension of time for the payment of property taxes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Grants limited exemption from property taxes to certain persons called to active duty in military service or who served outside of United States in connection with conflict in Persian Gulf. (BDR 32-1798)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Conflict of interest declared by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 573.

Bill read second time and ordered to third reading.

Senate Bill No. 606.

Bill read second time and ordered to third reading.

Senate Bill No. 614.

Bill read second time and ordered to third reading.

Senate Bill No. 622.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1268.

Amend section 1, page 1, line 4, after "*highway*" by inserting: "*, other than a highway within the designated interstate system,*".

Assemblyman Gregory moved the adoption of the amendment.

Remarks by Assemblyman Gregory.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 554, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Giunchigliani.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Wendell Williams and Heller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 554.

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 697.

The following Senate amendment was read:

Amendment No. 1099.

Amend section 1, page 1, line 13, after "*3.*" by inserting: "*To exercise the power of eminent domain on behalf of a monorail or any other overhead*

*or underground system used for public transportation, a public agency must issue an order approving the exercise of that power. A public agency may issue such an order if:*

*(a) The use to which the private property is to be applied is a public use;*

*(b) The property is necessary for that public use;*

*(c) The intended public use of the property will be of greater public benefit than the current private use of the property; and*

*(d) The proposed exercise of the power of eminent domain is not unreasonable and will not result in a taking of private property that is not fully compensable at law.*

*4.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 697.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 32, 195, 359, 400, 490, 495, 504, 512, 576, 584, 690, 745, 784, 797; Senate Bills Nos. 149, 251, 267, 355, 445, 525, 540; Assembly Joint Resolution No. 26; Assembly Concurrent Resolution No. 30; Senate Concurrent Resolution No. 58.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 17, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:34 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-EIGHTH DAY

CARSON CITY (Monday), June 17, 1991

Assembly called to order at 11:32 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

"Thus the heavens and the earth were finished, and all their multitude. And on the seventh day God finished the work that He had done, and He rested on the seventh day from all the work that He had done."

As we work hard to finish this legislative session and look forward to some real rest, we ask you, O Lord, to remind us of our responsibilities to the people we serve. When we look back at the work accomplished here may we, too, say, "and it was very good."

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 576, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 89 and requests a conference, and appointed Senators Glomb, O'Donnell and Rhoads as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 484 and requests a conference, and appointed Senators Adler, Cook and Smith as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 547 and requests a conference, and appointed Senators Rhoads, Shaffer and Townsend as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 561 and requests a conference, and appointed Senators Adler, Cook and Neal as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 304.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 562.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Titus, Cook and Adler as a first Committee on Conference concerning Senate Bill No. 68.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 817—An Act relating to Medicaid fraud; amending Assembly Bill No. 495 of this session to change the appropriation and the authorization for expenditure from the welfare division of the state department of human resources to the attorney general; and providing other matters properly relating thereto.

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

Motion carried.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Elliott, Krenzer and Little as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 89.

Mr. Speaker appointed Assemblymen Anderson, Gibbons and Petrak as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 484.

Mr. Speaker appointed Assemblymen Johnson, Carpenter and Norton as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 547.

Mr. Speaker appointed Assemblymen Sader, Anderson and Johnson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 561.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:40 a.m.

## ASSEMBLY IN SESSION

At 12:27 p.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 443, 728; Senate Bills Nos. 153, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## GENERAL FILE AND THIRD READING

Assembly Bill No. 812.
Bill read third time.
Remarks by Assemblymen Spitler, Scherer and Callister.
Roll call on Assembly Bill No. 812:
YEAS—37.
NAYS—Marvel, Spriggs—2.
Not voting—Gregory, Hardy, Lambert—3.

Assembly Bill No. 812 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Johnson moved that the vote whereby Assembly Bill No. 777 was refused passage be reconsidered.
Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 111.
Bill read third time.
Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 111:

YEAS—41.

NAYS—None

Not voting—Scherer.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 280:

YEAS—41.

NAYS—Spriggs.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Stout.

Roll call on Senate Bill No. 318:

YEAS—42.

NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Gibbons and Arberry.

Roll call on Senate Bill No. 492:

YEAS—42.

NAYS—None.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 573.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 573:

YEAS—42.

NAYS—None.

Senate Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 606.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 606:

YEAS—42.

NAYS—None.

Senate Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 614.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 614:

YEAS—42.

NAYS—None.

Senate Bill No. 614 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 777.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1306.

Amend sec. 2, page 1, line 6, after the period by inserting: "*The proceeds of a tax imposed pursuant to this subsection must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Amend sec. 5, page 1, line 23, after the period by inserting: "*The proceeds of a tax imposed pursuant to this subsection must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Amend sec. 8, page 2, line 20, after the period by inserting: "*The proceeds of such a tax must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblymen Spriggs, Stout, Bergevin, Garner, McGinness, Spitler, Johnson and McGaughey.

Assemblyman Arberry moved that Assembly Bill No. 777 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 443, 548, 728; Senate Bills Nos. 153, 576, 578 and 594 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 224 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 439, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Garner, Spriggs and Haller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 439.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 563.

The following Senate amendment was read:

Amendment No. 898.

Amend section 1, page 2, line 6, after "3." by inserting: "*If land affected by the certificate of amendment is located within the boundaries of an incorporated city, a copy of the certificate of amendment must be delivered to the city surveyor.*

*4.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 563.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 673 be taken from the Chief Clerk's desk and placed at the bottom of the General File for the next legislative day.

Remarks by Assemblyman Price.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1295.

Amend section 1, page 1, line 2, by deleting "$481,000" and inserting "$406,000".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblymen Evans and Pettyjohn.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1298.

Amend the bill as a whole by adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. 1. There is hereby appropriated from the state general fund to the aging services division of the department of human resources for the establishment and operation of the office of ombudsman for aging persons:

For fiscal year 1991-92 ..... $38,274

For fiscal year 1992-93 ..... $36,444

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective on July 1, 1991.".

Amend the title of the bill, second line, after "resources;" by inserting: "making an appropriation;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 728.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1301.

Amend sec. 3, page 1, line 7, after "created" by inserting: "*The department consists of the commissioner and the office of the advocate for insurance customers.*".

Amend the bill as a whole by adding new sections designated sections 5.3 and 5.7, following sec. 5, to read as follows:

"Sec. 5.3. *1. The office of the advocate for insurance customers is hereby created within the department.*

*2. The governor shall appoint the advocate for insurance customers for a term of 4 years. The advocate for insurance customers:*

*(a) Must be an attorney; and*

*(b) Is in the unclassified service of the state.*

*3. The governor may remove the advocate for insurance customers from office for inefficiency, neglect of duty or malfeasance in office.*

Sec. 5.7. *1. The advocate for insurance customers may:*

*(a) Examine any books, accounts, minutes, records, documents or other papers or property of any authorized insurer who issues policies of motor vehicle insurance covering private passenger vehicles in the same manner and to the same extent as authorized by law for the commissioner and his staff, if so authorized by an order of the commissioner.*

*(b) Intervene or participate on behalf of an insurance customer or group of insurance customers in any proceeding relating to rates for policies of motor vehicle insurance covering private passenger vehicles, the solvency of insurers offering such policies and any similar matter before the commissioner.*

*(c) Develop and offer programs of information for insurance customers relating to policies of motor vehicle insurance for private passenger vehicles.*

*2. The duties of the advocate for insurance customers do not extend to hearings concerning rates of insurance held pursuant to chapter 616 of NRS.*".

Amend sec. 8, page 2, by deleting lines 13 through 17 and inserting: "divisions of the department. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The director shall consult".

Amend sec. 14, pages 3 and 4, by deleting lines 46 through 48 on page 3 and lines 1 and 2 on page 4 and inserting:

"41A.036 [An account for the screening panels is hereby created in the state general fund. The division shall administer this account.] Any money received by the [division] *department* pursuant to the provisions of NRS 41A.003 to 41A.069, inclusive, must be [credited to this account and may be used to pay the] *deposited with the state treasurer for credit to the account for the department of insurance in the state general fund. The* administrative costs of the screening panels [.] *must be paid from the account.*".

Amend sec. 39, page 12, by deleting lines 38 and 39 and inserting: "tive *of the department, or by the advocate for insurance customers,* in the examination of any person required to pay, and making payment of, the expense of examination pursuant to NRS 679B.290 *or section 53.7 of this act*".

Amend sec. 40, page 13, by deleting lines 23 and 24 and inserting:

"[6. This section does not apply to hearings relative to matters arising under chapter 686B of NRS (rates and rating organizations).]".

Amend the bill as a whole by adding new sections designated sections 41.3 and 41.7, following sec. 41, to read as follows:

"Sec. 41.3. NRS 679B.400 is hereby amended to read as follows:

679B.400 1. The legislature finds and declares that:

(a) Stabilizing the cost of insurance is of vital concern to the residents of this state; and

(b) It is necessary to establish a comprehensive system to collect, analyze and distribute information concerning the cost of insurance in order to stabilize that cost effectively.

2. The purposes of NRS 679B.400 to 679B.460, inclusive, are to:

(a) Promote the public welfare by studying the relationship of premiums and related income of insurers to costs and expenses of insurers;

(b) Develop measures to stabilize prices for insurance while continuing to provide insurance of high quality to the residents of this state;

(c) Permit and encourage competition between insurers on a sound financial basis to the fullest extent possible; [and]

(d) Establish a mechanism to ensure the provision of adequate insurance at reasonable rates to the residents of this state [.] *; and*

*(e) In conjunction with the office of the advocate for insurance customers, protect the rights of customers of insurance in this state.*

Sec. 41.7. NRS 679B.410 is hereby amended to read as follows:

679B.410 The commissioner shall:

1. Determine the relationship of premiums and related income of insurers to costs and expenses of insurers, provide this information to the legislature and make this information available to the general public.

2. Respond to requests by governmental agencies of this state and by the legislature for special studies and analysis of information collected pursuant to NRS 679B.400 to 679B.460, inclusive.

3. *Assist the advocate for insurance customers in carrying out the duties of his office.*

*4.* Report to each regular session of the legislature concerning his duties and findings pursuant to this section no later than February 1.".

Amend sec. 45, page 15, by deleting line 2 and inserting:

"(a) Filing initial application [and making related examination.....$500] *$2,450*".

Amend sec. 45, page 15, line 8, by inserting an open bracket before the colon.

Amend sec. 45, page 15, line 11, by deleting "578" and inserting "578] *2,450*".

Amend sec. 45, page 16, line 39, by deleting "$100" and inserting "[$100] *$500*".

Amend sec. 45, page 16, line 40, by deleting "100" and inserting "[100] *500*".

Amend sec. 45, page 18, line 16, after "32." by inserting:

"*For the initial registration and review of an application of a risk retention group..... $2,450*

*33.*".

Amend sec. 47, pages 18 and 19, by deleting lines 41 through 47 on page 18 and lines 1 through 27 on page 19 and inserting:

"Sec. 47. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 51.5, following sec. 51, to read as follows:

"Sec. 51.5. NRS 685A.070 is hereby amended to read as follows:

685A.070 1. A broker shall not knowingly place surplus lines insurance with an insurer which is unsound financially or ineligible under this section.

2. No insurer is eligible for the acceptance of surplus lines risks under this chapter unless it has surplus as to policyholders not less in amount than $3,000,000 and, if an alien insurer, unless it has and maintains in a bank or trust company which is a member of the United States Federal Reserve System a trust fund established under terms reasonably adequate for the protection of all of its policyholders in the United States of America in an amount of not less than $1,500,000. Such a trust fund must not have an expiration date which is at any time less than 5 years in the future, on a continuing basis. In the case of a group of individual unincorporated insurers, such a trust fund must be not less than $50,000,000. The commissioner may require larger trust funds than those set forth in this section if in his judgment the volume of business being transacted or proposed to be transacted warrants larger amounts.

3. No insurer is eligible to write surplus lines of insurance unless it has established a reputation for financial integrity and satisfactory practices in underwriting and handling claims. In addition, a foreign insurer must be authorized in the state of its domicile to write the kinds of insurance which it intends to write in Nevada.

4. The commissioner may from time to time compile or approve a list of all surplus lines insurers deemed by him to be eligible currently, and may mail a copy of the list to each broker at his office last of record with the commissioner. *To be placed on the list, a surplus lines insurer must file an application with the commissioner. The application must be accompanied by a nonrefundable fee of $2,450.* This subsection does not require the commissioner to determine the actual financial condition or claims practices of any unauthorized insurer. The status of eligibility, if granted by the commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary. While any such list is in effect, the broker shall restrict to the insurers so listed all surplus lines business placed by him.".

Amend the bill as a whole by adding new sections designated sections 53.1 through 53.8, following sec. 53, to read as follows:

"Sec. 53.1. NRS 686A.360 is hereby amended to read as follows:

686A.360 1. An application for a license to engage in the business of a company must be filed with the commissioner on a form prescribed by him and must include:

(a) A nonrefundable fee for application and for investigation of the applicant of [$200;] *$500;*

(b) A surety bond payable to the State of Nevada in the amount of $25,000, executed by a surety company which is authorized to do business in Nevada;

(c) A current certified financial statement or another financial statement if individually approved by the commissioner;

(d) An appointment of the commissioner and his successors in office as the applicant's attorney to receive service of process; and

(e) If the applicant is a corporation, a copy of its articles of incorporation.

2. The applicant shall provide the commissioner with any material change concerning information contained in the application within 10 days after the change occurs.

Sec. 53.2. NRS 686A.380 is hereby amended to read as follows:

686A.380 1. A company must renew its license on or before March 1 of each year. An application for renewal must be submitted on a form prescribed by the commissioner and must be accompanied by:

(a) A financial statement for the preceding year; and

(b) A fee of [$100] *$500* and any penalty imposed pursuant to subsection 2.

2. The commissioner may grant an extension allowing a company to file an application for renewal after March 1 if the company shows that for reasons beyond its control it cannot apply before that date. If a company which has not been granted an extension files its application for renewal after March 1, the company shall pay a penalty of $25 for each day the application is late.

Sec. 53.3. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 53.4 to 53.7, inclusive, of this act.

Sec. 53.4. *The advocate for insurance customers, as to any matter in which he has intervened or is a party, may appeal any order or decision of the commissioner made pursuant to this chapter.*

Sec. 53.5. *The commissioner may adopt regulations:*

*1. Governing the manner in which the advocate for insurance customers may review rates and supplementary information filed pursuant to this chapter.*

*2. Relating to the advocate's participation or intervention in hearings conducted pursuant to this chapter.*

*3. Which set forth the procedures for conducting any hearing held pursuant to this chapter.*

Sec. 53.6. *Each authorized insurer who issues policies of motor vehicle insurance covering private passenger vehicles and each rate service organization who assists in making rates for such policies of insurance shall provide the advocate for insurance customers with copies of any information which is required to be filed with the commissioner pursuant to NRS 686B.070. The copies must be provided to the advocate for insurance customers on or before the date the information is filed with the commissioner.*

Sec. 53.7. *1. At the request of the advocate for insurance customers, the commissioner may issue an order authorizing the advocate to examine*

*the books, accounts, minutes, records, documents or other papers or property of any insurer who issues policies of motor vehicle insurance covering private passenger vehicles and who makes a filing relating to a proposed change in rates pursuant to this chapter. The commissioner may authorize such an examination only if the information being sought is not available in the records of the division and the examination does not duplicate any examination previously conducted by the commissioner.*

*2. The expense of an examination conducted pursuant to this section must be borne by the insurer examined and paid in the manner provided by NRS 679B.290 and 679B.300. Only the actual cost of performing the examination may be recovered from the insurer.*

Sec. 53.8. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The commissioner shall consider each proposed increase in the rate of any kind or line of insurance or subdivision thereof filed with him pursuant to NRS 686B.070. If the commissioner finds that the proposed increase will result in a rate which is not in compliance with NRS 686B.050, he shall disapprove the proposal. [In any event, he] *The commissioner* shall approve or disapprove each [such] proposal no later than 60 days after it is filed with him [.] *, unless additional time is required to allow the intervention or participation of the advocate for insurance customers. In no event may this period of review be extended more than 60 additional days.*

2. Whenever an insurer has no legally effective rates as a result of the commissioner's disapproval of rates or other act, the commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by him. When new rates become legally effective, the commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

3. If the commissioner disapproves a proposed rate and an insurer requests a hearing to determine the validity of his action, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.175, inclusive. *Any such hearing may be held before the date the rates are intended to become effective.*".

Amend the bill as a whole by adding new sections designated sections 62.1 through 62.7, following sec. 62, to read as follows:

"Sec. 62.1. NRS 695A.080 is hereby amended to read as follows:

695A.080 1. The commissioner may make such examination and require such further information as he deems advisable. Upon presentation of satisfactory evidence that the society has complied with all applicable provisions of law, he shall issue to the society a certificate of authority indicating that the society may transact business pursuant to the provisions of this chapter.

2. The certificate of authority is prima facie evidence of the existence of the society on the date of the certificate.

3. The commissioner shall cause a record of the certificate of authority to be made. A certified copy of the record may be given in evidence with like effect as the original certificate of authority.

4. For the issuance or renewal of a certificate of authority, a society must pay to the commissioner a fee of [50.] *$2,450.* Each such certificate or renewal expires on March 1 following its issuance.

5. If a society properly applies for the renewal of its certificate of authority but does not receive approval of its application by March 1, it may continue to transact business pursuant to this chapter unless it receives notice that the application for renewal is specifically denied.

6. A certified copy or duplicate of a certificate of authority is prima facie evidence that the society may lawfully transact business in this state pursuant to the provisions of this chapter during the period stated on the license.

Sec. 62.2. NRS 695A.290 is hereby amended to read as follows:

695A.290 1. For each certificate or renewal of a certificate the society must pay to the commissioner a fee of [$50.] *$2,450.*

2. A certified copy or duplicate of a certificate is prima facie evidence that the society is a fraternal benefit society within the meaning of this chapter.

Sec. 62.3. NRS 695C.230 is hereby amended to read as follows:

695C.230 1. Every health maintenance organization subject to this chapter shall pay to the commissioner the following fees:

(a) For filing an application for a certificate of authority, [$500.] *$2,450.*

(b) For issuance of a certificate of authority, $250.

(c) For an amendment to a certificate of authority, $100.

(d) For the renewal of a certificate of authority, [$250.] *$2,450.*

(e) For filing each annual report, $25.

2. At the time of filing the annual report the health maintenance organization shall forward to the commissioner the tax and any penalty for nonpayment or delinquent payment of the tax in accordance with the provisions of chapter 680B of NRS.

3. All fees paid pursuant to this section shall be deemed earned when paid and may not be refunded. [All fees, except the tax imposed pursuant to subsection 2, must be distributed as follows:

(a) Fifty percent to the commissioner; and

(b) Fifty percent to the state board of health.]

Sec. 62.4. NRS 695D.130 is hereby amended to read as follows:

695D.130 The commissioner shall issue a certificate of authority to an organization for dental care after the organization has paid an application fee of [$500] *$2,450* and the commissioner is satisfied that:

1. The persons responsible for operating the organization are competent, trustworthy, have not been convicted of a felony and have good reputations.

2. The plan for dental care includes care which is appropriate for the plan and the plan is appropriate for providing that care.

3. The organization is financially responsible and may reasonably be expected to meet its obligations to its members. To determine financial responsibility the commissioner may consider:

(a) The organizations's arrangements for dental care and the schedule of charges to be used;

(b) The agreements with an insurer, government or any other organizations for ensuring payment for the dental care;

(c) Any provisions for alternative coverage if the plan for dental care is discontinued; and

(d) The agreements with the dentists providing dental care to the organization's members.

4. The appropriate deposits or bonds have been filed with the commissioner by the organization and its officers.

Sec. 62.5. NRS 695D.150 is hereby amended to read as follows:

695D.150 A certificate of authority expires at midnight on March 1 following the date it was issued or previously renewed. The commissioner shall renew the certificate of any organization for dental care which:

1. Continues to comply with the provisions of this chapter; and

2. Pays the fee for renewal of [$250.] *$2,450.*

Sec. 62.6. NRS 696A.150 is hereby amended to read as follows:

696A.150 Every certificate of authority issued to a motor club expires annually on March 1 unless it is revoked or suspended. The certificate may be renewed by paying to the commissioner an annual fee for renewal of [$250] *$500* before the expiration of the certificate.

Sec. 62.7. NRS 696A.185 is hereby amended to read as follows:

696A.185 1. Every motor club shall file with the commissioner on or before March 1 of each year a report which summarizes its activities for the preceding calendar year. The report must be verified by at least two officers of the motor club.

2. The report must be on a form prescribed by the commissioner and must include:

(a) A financial statement for the motor club, including its balance sheet and receipts and disbursements for the preceding year, certified by an independent certified public accountant;

(b) Any material changes in the information given in the previous report;

(c) The number of members enrolled in the year;

(d) The costs of all services provided for that year; and

(e) Any other information relating to the motor club requested by the commissioner.

3. The motor club must pay to the commissioner [the fee for filing an annual report required by NRS 680B.010.] *an annual fee of $500.*

4. A motor club is not exempt from the provisions of NRS 679B.158.''.

Amend the bill as a whole by adding a new section designated sec. 63.5, following sec. 63, to read as follows:

''Sec. 63.5. Section 2 of Assembly Bill No. 680 of this session is hereby amended to read as follows:

Sec. 2. NRS 679B.310 is hereby amended to read as follows:

679B.310 1. The commissioner may hold a hearing, without request by others, *to determine whether an insurer or an employee of an insurer has engaged in unsuitable conduct and* for any *other* purpose within the scope of this code.

2. The commissioner shall hold a hearing:

(a) If required by any other provision of this code; or

(b) Upon written application for a hearing by a person aggrieved by any act, threatened act, or failure of the commissioner to act, or by any report, rule, regulation or order of the commissioner, other than an order for the holding of a hearing, or an order issued on a hearing of which the person had notice. The application must be filed in the department within 60 days after the person knew or reasonably should have known of the act, threatened act, failure, report, rule, regulation or order, unless a different period is provided for by any other law applicable to the particular matter, in which case the other law governs.

3. Any such application for a hearing must briefly state the respects in which the applicant is so aggrieved, together with the grounds to be relied upon as a basis for the relief to be sought at the hearing.

4. If the commissioner finds that the application is made in good faith, that the applicant would be so aggrieved if his grounds are established and that [such] *the* grounds otherwise justify the hearing, he shall hold the hearing within 30 days after *the* filing of the application, unless postponed by mutual consent. Failure to hold the hearing upon application therefor of a person entitled thereto as provided in this section constitutes a denial of the relief sought, and is the equivalent of a final order of the commissioner on hearing for the purpose of an appeal pursuant to NRS 679B.370.

5. Pending the hearing and decision thereon, the commissioner may suspend or postpone the effective date of his previous action.".

Amend sec. 64, page 26, line 3, by deleting "and 679B.010" and inserting: ", 679B.010, 680B.080, 680B.090, 680B.100 and 680B.110".

Amend the bill as a whole by renumbering sec. 65 as sec. 68 and adding new sections designated sections 65 through 67, following sec. 64, to read as follows:

"Sec. 65. The office of the advocate for insurance customers shall begin to carry out its duties as soon as practicable after July 1, 1991, but in no event later than January 1, 1992.

Sec. 66. The state controller shall transfer the balance of the account for the screening panels abolished by section 14 of this act to the account for the department of insurance in the state general fund as soon as all payments of money committed for expenditure have been made.

Sec. 67. The legislative counsel shall, in preparing the supplement to the Nevada Revised Statutes, with respect to any section which is not amended by this act or is adopted or amended by another act, change any reference to the insurance division of the department of commerce to refer to the department of insurance.".

Amend sec. 65, page 26, by deleting line 5 and inserting:

"Sec. 68. 1. This section and sections 1 to 62, inclusive, and 62.2 to 67, inclusive, of this act become effective on July 1, 1991.

2. Section 62.1 of this act becomes effective at 12:01 a.m. on January 1, 1992.".

Amend the bill as a whole by deleting the text of repealed sections and adding the leadlines of repealed sections, following sec. 65, to read as follows:

"LEADLINES OF REPEALED SECTIONS

41A.006 "Division" defined.

679A.070 "Director" defined.

679A.080 "Division" defined.

679B.010 Insurance division.

680B.080 Assessment for valuation of securities: Purpose.

680B.090 Assessment for valuation of securities: Disbursement of money.

680B.100 Assessment for valuation of securities: Estimated budgets and financial reports.

680B.110 Assessment for valuation of securities: Assessment on domestic life insurers; computation; deposits and disbursements.".

Amend the title of the bill to read as follows:

"An Act relating to the department of commerce; creating a department of insurance; removing the insurance division from the department of commerce; creating the office of advocate for insurance customers within the department of insurance; increasing certain fees for certificates of authority to transact insurance; and providing other matters properly relating thereto.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Assemblyman Callister moved that Assembly Bill No. 728 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1297.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. There is hereby created in the state treasury a fund for new construction of facilities for prison industries as a fund for construction of capital projects. Five percent of any wages of offenders deducted pursuant to paragraph (a) of subsection 1 of NRS 209.463 must be deposited in this fund. The money in the fund must only be expended to house new industries in the industrial program which will provide additional employment of offenders. The money in the fund must not be expended for relocating an existing industry in the industrial program.*

*2. Before money in the fund may be expended for construction, the director shall submit a proposal for the expenditure to the state board of examiners. Upon making a determination that the proposed expenditure is appropriate and necessary, the state board of examiners shall recommend to the interim finance committee, or the senate standing committee on finance and the assembly standing committee on ways and means when the legislature is in general session, that the expenditure be approved. Upon approval of the appropriate committee or committees, the money may be so expended.*".

Amend the title of the bill, first line, after "construction of" by inserting "new".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 576.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1246.

Amend sec. 2, page 4, by deleting line 38 and inserting: "449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of [this act] *chapter 258, Statutes of Nevada 1991,* if this subparagraph is".

Amend sec. 2, page 4, by deleting line 46 and inserting: "449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of [this act] *chapter 258, Statutes of Nevada 1991,* if this subparagraph is".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 578.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1294.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 8 through 10.

Amend the title of the bill by deleting the third line and inserting: "construction; and provid-".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 594.

Bill read second time.

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

Amendment No. 1292.

Amend the bill as a whole by deleting sections 3 and 4.

Amend the title of the bill by deleting the second and third lines and inserting: "be decreased; and pro-".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 224.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1299.

Amend section 1, page 1, line 5, by deleting "*$15,600*" and inserting "*$19,100*".

Amend section 1, page 1, by deleting lines 17 through 21 and inserting:

| | | | | |
|---|---|---|---|---|
| "$0 | — | [$5,400] *$8,000* | 90 |
| [5,400] *8,000* | — | [8,700] *12,700* | 80 |
| [8,700] *12,700* | — | [10,800] *14,800* | 50 |
| [10,800] *14,800* | — | [13,000] *17,000* | 25 |
| [13,000] *17,000* | — | [15,100] *19,100* | 10". |

Amend sec. 2, page 2, line 7, by deleting "*$15,600*" and inserting "*$19,100*".

Amend sec. 3, page 2, line 10, by deleting "January 2, 1992." and inserting "July 1, 1991.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:22 p.m.

ASSEMBLY IN SESSION

At 1:40 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 591, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 63.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 63.

Assemblyman McGinness moved the adoption of the resolution.

Remarks by Assemblymen McGinness, Carpenter, Bergevin, Marvel and Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Porter moved that Senate Bill No. 591 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 591.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1267.

Amend section 1, page 1, line 6, by deleting "this section," and inserting: "[this section,] *subsection 2,*".

Amend section 1, page 2, by deleting lines 4 and 5 and inserting:

"*(2) Part of the property is no longer needed for highway purposes, and the department determines that*".

Amend section 1, page 2, by deleting line 29 and inserting:

"3. It is conclusively presumed in favor of *the department and* any purchaser for value [and".

Amend section 1, page 2, line 31, by deleting "chapter" and inserting "chapter]".

Amend section 1, page 2, line 37, after "4." by inserting: "*No person has a right of action against the department or its employees for a violation of this section. This subsection does not prevent an action by the attorney general on behalf of the State of Nevada or any aggrieved person.*

*5.*".

Amend section 1, page 2, line 43, by deleting "5." and inserting "[5.] *6.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

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

Amend the title of the bill, first line, by deleting "procedure for" and inserting: "statutory provisions relating to".

Amend the summary of the bill, first line, by deleting "procedure for" and inserting: "statutory provisions relating to".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 500.

The following Senate amendment was read:

Amendment No. 983.

Amend sec. 2, page 2, by deleting lines 31 and 32 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 5 and 6 and inserting:

"Secs. 5 and 6. (Deleted by amendment.)".

Amend sec. 9, pages 4 and 5, by deleting lines 7 through 48 on page 4 and lines 1 through 11 on page 5 and inserting:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 18, page 8, by deleting lines 22 through 24 and inserting:

"639.2351 1. An advanced practitioner of nursing may prescribe, in accordance with NRS 454.695, poisons, dangerous drugs and devices if he:".

Amend sec. 18, page 8, line 29, by deleting "the nurses" and inserting: "advanced practitioners of nursing".

Amend sec. 18, page 8, line 31, by deleting "nurses.]" and inserting: "advanced practitioners of nursing.]".

Amend sec. 18, page 8, line 32, by deleting "[a".

Amend sec. 18, page 8, by deleting line 33 and inserting: "an advanced practitioner of nursing separately, and may:".

Amend sec. 18, page 8, by deleting lines 37 and 38.

Amend the bill as a whole by deleting sections 22 and 23 and inserting:

"Secs. 22 and 23. (Deleted by amendment.)".

Amend sec. 25, page 10, by deleting lines 7 though 22 and inserting:

"Sec. 25. (Deleted by amendment.)".

Amend sec. 31, pages 10 and 11, by deleting lines 41 through 48 on page 10 and lines 1 through 11 on page 11 and inserting:

"Sec. 31. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. If registered by the board:

(a) A practitioner.

(b) A physician's assistant at the direction of his supervising physician.

2. Without being registered with the board:

(a) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, or pursuant to a chart order of individual doses:

(1) From an original container which has been furnished as floor or ward stock;

(2) From a container dispensed by a registered pharmacist pursuant to a prescription or furnished pursuant to a chart order; or

(3) Furnished by a practitioner.

(b) In a pharmacy in a correctional institution, a registered nurse licensed to practice professional nursing or a licensed practical nurse, in multiple doses for administration in single doses to prisoners in that institution.

(c) An advanced emergency medical technician , as authorized by regulation of the state board of health [.] *and in accordance with any applicable regulations of the state board of health or a district board of health created pursuant to NRS 439.370.*

(d) A respiratory therapist, at the direction of a physician.

(e) A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(f) A medical intern in the course of his internship.

(g) An ultimate user as defined in this chapter.

3. A person designated by the head of a correctional institution which does not contain a pharmacy, but only:

(a) As prescribed and dispensed for an individual prisoner in that institution; and

(b) For issue to that prisoner in single doses.".

Amend the bill as a whole by deleting sections 33 through 35 and inserting:

"Secs. 33-35. (Deleted by amendment.)".

Amend sec. 36, page 11, by deleting lines 47 and 48 and inserting:

"Sec. 36. Chapter 454 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Public health program" means a program of the government which is:*

*1. Administered by the officers and agents of:*

*(a) The health division of the department of human resources; or*

*(b) The local boards of health; and*

*2. Created to serve the health needs of an*".

Amend sec. 37, page 12, by deleting line 5 and inserting: "454.002 to 454.0098, inclusive, [and] section 14 of [this act,] *Assembly Bill No. 550 of this session and section 36 of this act* have the".

Amend sec. 38, page 12, by deleting lines 8 through 23 and inserting:

"Sec. 38. (Deleted by amendment.)".

Amend sec. 40, page 13, by deleting line 3 and inserting: "gency medical technician , as authorized by *regulation of* the state board of pharmacy [.] *and in accordance with any applicable regulations of the state board of health or a district board of health created pursuant to NRS 439.370.*".

Amend the bill as a whole by deleting sections 41 and 42 and inserting:

"Secs. 41 and 42. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sec. 44 as sec. 45 and adding a new section designated sec. 44, following sec. 43, to read as follows:

"Sec. 44. NRS 454.279 is hereby amended to read as follows:

454.279 1. A practitioner may purchase supplies of poisons, dangerous drugs and devices from a pharmacy.

2. A [hospital pharmacy or a pharmacy designated for this purpose by a district health officer] *pharmacy, institutional pharmacy or other person licensed by the board to furnish dangerous drugs* may sell [the] *to:*

*(a) The* holder of a permit issued pursuant to the provisions of NRS 450B.200 or 450B.210 , *in accordance with any applicable regulations adopted by the state board of health or a district board of health created pursuant to NRS 439.370;*

*(b) A nonprofit search and rescue organization that regularly provides emergency care to injured and sick persons, including an organization that patrols ski areas; and*

*(c) A governmental agency, or a person authorized by contract to act on behalf of such an agency, that regularly provides emergency care to injured and sick persons,*

supplies of dangerous drugs to stock [his] *their* ambulances or other authorized vehicles or *places of storage, or to* replenish the stock , if [the] *an* intermediate emergency medical technician [, the] *or* advanced emergency medical technician *who is appropriately certified by the health division of the department of human resources or a health district created pursuant to NRS 439.370,* or [the] *a* registered nurse who is *licensed by the state board of nursing, is* in charge of the dangerous drugs . [is, respectively, appropriately certified by the health division or licensed by the state board of nursing.]

3. A pharmacy [or hospital pharmacy that] , *institutional pharmacy or other person licensed by the board to furnish dangerous drugs who* sells supplies pursuant to this section shall maintain a record of each sale which must contain:

(a) The date of the sale;

(b) The name, address and signature of the purchaser or the person receiving the delivery;

(c) The name of the dispensing pharmacist;

(d) The name and address of the authorizing practitioner; and

(e) The name, strength and quantity of each drug sold.

4. A pharmacy [or hospital pharmacy that] , *institutional pharmacy or other person licensed by the board to furnish dangerous drugs who* supplies the initial stock for an ambulance or other emergency vehicle shall comply with the applicable regulations adopted by the state board of health pursuant to NRS 450B.120.

5. The state board of pharmacy shall adopt additional regulations, consistent with the provisions of this chapter, regarding the records a pharmacist shall keep of any purchase made pursuant to this section.".

Amend sec. 44, page 15, line 9, by deleting "registered nurses" and inserting: "advanced practitioners of nursing".

Amend sec. 44, page 15, line 11, by deleting: "possess, administer and".

Amend the bill as a whole by deleting sec. 45.

Amend sec. 46, page 15, by deleting line 40 and inserting:

"Sec. 46. Sections 18, 37 and 45 of this act become effective at 12:01 a.m. on October".

Amend the title of the bill, fourth line, after "to" by inserting "administer or".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to health care records, pharmacies, prescriptions and persons authorized to administer or dispense drugs. (BDR 54-872)".

Assemblyman Porter moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 500.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

The following Senate amendment was read:

Amendment No. 506.

Amend section 1, pages 1 and 2, by deleting lines 23 through 27 on page 1 and lines 1 through 3 on page 2 and inserting: "division.

*5.* If the *board relinquishes property pursuant to subsection 4, and the* purpose for which [it is] *the property was* relinquished is abandoned or ceases to exist, then *:*

*(a) If the interest of the department in the property before it was relinquished was held in fee simple,* all right, title and interest of the county, city or division reverts [back] to the department.

[5.] *(b) If the interest of the department in the property before it was relinquished was an easement or other lesser interest, the county, city or division may abandon or vacate the property without reversion to the department.*

*6.* The vesting of all right, title and interest of the department in and to".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 87.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 686, 697; Senate Bill No. 562.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. David Hornbeck.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Imogene Gallagher, Messrs. Tim Gallagher, Ken Partridge and Mrs. Cyndia Partridge.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 18, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 1:53 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FORTY-NINTH DAY

CARSON CITY (Tuesday), June 18, 1991

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

"O Lord, my God, I take refuge in You. Save and deliver me from all who pursue me, lest like a lion they tear me in pieces and snatch me away with none to deliver me."

We struggle to complete our work while pursued by lobbyists, constituents, reporters, commentators and other assorted lions who try our hearts and minds. Teach us that true peace and tranquility come through our pursuit of justice for all people. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 539.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 344, 369, 395, 466, 610, 636, 637.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 62.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 62:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 673 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Spitler moved that Senate Bill No. 622 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 344.

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

Motion carried.

Senate Bill No. 369.

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

Motion carried.

Senate Bill No. 395.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 466.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 539.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 610.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 636.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 637.

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

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 783, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Vice Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 100.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 403:

YEAS—40.

NAYS—Hardy, Johnson—2.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblymen Evans, Freeman, Little, Stout and Callister.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Assembly Bill No. 414 is amended to provide for appropriation of $300,000 each year of the biennum to the State Health Division's Women, Infants and Children's program known as WIC. The WIC program provides supplemental foods such as fruit juices, milk, eggs, cheese, infant formula and baby cereal in addition to nutrition education at no cost to eligible participants.

The two primary funding sources for the WIC program are a federal grant from the U.S. Department of Agriculture and the Infant Formula Reimbursement Program. This provides a negotiated contract with a sole-source provider. It's estimated that approximately 51 percent of all potentially eligible women and children in Nevada are not served

by the WIC program due to current funding limitations. To the use of infant rebate funding, the WIC program caseload peaked at approximately 16,300 served monthly; however, a reduction in caseload of approximately 1200 eligible participants per month was necessary to remain within the WIC funding levels. The appropriations proposed by the Ways and Means Committee will provide for the availability in program services to an estimated 500 additional recipients per month throughout the biennium to make up for this shortfall.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of A.B. No. 414. I can't think of a better use of state money when we are talking about our families and children from disadvantaged families. I would like to congratulate the members of Ways and Means for supporting this program and would urge support of all the members.

ASSEMBLYMAN LITTLE:

Thank you, Mr. Speaker. To you and through you to the chairman of that committee. I would like to know—I have an executive budget that contains $21 million of non-state funds going into this special supplementary food program and we are asking for an additional $600,000. I would like to know for 15,000 families we are talking about, that's quite a bit of money.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Yes, to my colleague from southern Nevada. The money that you see in the state budget is not state money. This is the first time in the history of Nevada that we are proposing that state funds be used to support the WIC program. The WIC program is a federal program, U.S. Department of Agriculture, and all the money that we have put in this forever has been simply federal money, but because of inflation, because of decreases at the federal level, we felt that it was essential with the reduction in caseload that we would be serving fewer than we had in the past. Please understand, we are only serving now about 50 percent of those who are eligible. So this is the first time that state dollars will be put in the program. The money that you see in your budget books, those dollars are federal dollars.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I rise in support of A.B. No. 414. The testimony in Ways and Means was pretty convincing of this shortfall that's in that program. One of the things that really sold me on the idea was that over $3 for every $1 that is put in the program is saved in health care costs down the line. We're talking about newborns, prenatal care and after they are born, they are being helped. This is an extremely important thing for America to get behind and especially our state. Thank you.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. Mr. Stout made most of my remarks so I will be brief. I rise in support of this measure. I think it's important however to remember a distinction between the WIC program and other welfare-related programs. And that is, in this instance, what's being given to these folks is food, not some check, not food stamps, something that might be bartered or used in some inappropriate fashion, but actually the food products themselves. That has led to its enormous success and I would urge your support.

ASSEMBLYMAN LITTLE:

Thank you, Mr. Speaker. To you and through you, I don't object to giving money to helping children, etc., but when we are talking about $21 million and we are talking about 15,000 families, that's quite a bit of money, and add an additional $600,000—I have kind of a problem if that money is going for food or if it's going into administration.

ASSEMBLYMAN EVANS:

Mr. Speaker, thank you. Through you and to my colleague, again, from southern Nevada. The money that you are talking about, the $21 million, again, that serves approximately half, only half of the people who are eligible. So again, we're not taking care of everybody who is out there.

Secondly, as I said, there has been a reduction at the federal level, and thirdly, the $300,000 that we're talking about, we asked that precise question in Ways and Means. How much of this will go to some kind of administrative service and the answer was, zero, because everything and everybody who is in place to carry out the program is already there. It will not require additional new hires, new personnel, new office space or whatever. This is strictly a nutrition program for providing food and nutrition and it will all go to direct services.

Roll call on Assembly Bill No. 414:

YEAS—41.

NAYS—Little.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 597:

YEAS—41.

NAYS—Scherer.

Assembly Bill No. 597 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 619.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 619:

YEAS—41.

NAYS—Spriggs.

Assembly Bill No. 619 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 668.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 668:

YEAS—41.

NAYS—None.

Not voting—Porter.

Assembly Bill No. 668 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 804.

Bill read third time.

Remarks by Assemblymen Sader and Spriggs.

Roll call on Assembly Bill No. 804:

YEAS—41.

NAYS—Wong.

Assembly Bill No. 804 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblymen Price, Johnson, Spriggs, Freeman and Petrak.

Assemblymen Arberry, Porter and Evans moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 9.

Roll call on Assembly Joint Resolution No. 9:

YEAS—31.

NAYS—Carpenter, Gibbons, Gregory, Heller, Humke, Little, McGinness, Marvel, Porter, Spitler, Stout—11.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 185, 403, 414, 597, 619, 668, 804; Assembly Joint Resolution No. 9 and Assembly Concurrent Resolution No. 100 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblyman Price.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Senate Bill No. 329:

YEAS—40.

NAYS—None.

Not voting—Gibbons, Pettyjohn—2.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 817, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 783 and 817 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 456, 497, 607.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Price, Hardy, Heller, Myrna Williams, Norton, Giunchigliani, Garner, Little, Elliott, Carpenter, Stout, Petrak, Marvel, Bennett, Krenzer, Wong, Kerns, Johnson, Gregory, Wendell Williams, Evans, Callister, Porter, Sader, McGaughey, Bergevin, Spitler, Goetting, Lambert, McGinness, Bache, Haller, Pettyjohn, Bayley, Anderson, Scherer, Spriggs, Humke, Dini and Freeman:

Assembly Concurrent Resolution No. 101—Memorializing the men of the USS Nevada who sacrificed their lives in defending their country at Pearl Harbor on December 7, 1941.

WHEREAS, On December 7, 1941, the Japanese attacked Pearl Harbor; and

WHEREAS, Although the USS Nevada sustained heavy damage during the attack, it was able to destroy several Japanese aircraft; and

WHEREAS, The men who died that infamous day demonstrated their extraordinary courage and heroism in defending their country; and

WHEREAS, In sacrificing their lives for their country, those men exemplified the highest ideals of American society; and

WHEREAS, By recognizing their ultimate sacrifice, we honor those men who serve as a painful remembrance of the high price of freedom; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature memorializes the courageous and heroic men of the USS Nevada who sacrificed their lives in defending their country at Pearl Harbor on December 7, 1941.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblyman Gibbons.

Resolution adopted.

Assemblyman Gibbons moved that all rules be suspended and that Assembly Concurrent Resolution No. 101 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 456.

Assemblyman Porter moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

Senate Bill No. 497.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 607.

Assemblyman Porter moved that the bill be referred to the Select Committee on Corrections.

Motion carried.

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:55 a.m.

## ASSEMBLY IN SESSION

At 12:07 p.m.

Mr. Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 466 be re-referred to the Committee on Ways and Means.

Motion carried.

### SECOND READING AND AMENDMENT

Assembly Bill No. 783.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 817.

Bill read second time, ordered engrossed and to third reading.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 562.

The following Senate amendment was read:

Amendment No. 1133.

Amend section 1, page 2, between lines 24 and 25, by inserting:

"*For entering the name of a firm or corporation in the register of the county clerk* ..... *15*".

Amend sec. 2, pages 2 and 3, by deleting lines 41 through 46 on page 2 and lines 1 through 3 on page 3, and inserting:

"602.050 [1.] Every county clerk [must] *shall* keep, in alphabetical order, in a book or other suitable index provided for that purpose:

[(a)] *1.* A register of all the names of [such] *the* corporations, businesses, or fanciful or fictitious designations, as shown in the certificates.

[(b)] *2.* Unless it is a corporation, the name of each person shown to be interested in or a partner in such a business.

[2. Every county clerk shall charge for each corporate or firm name entered a fee of $10, which is full compensation for filing and registration.]".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 562.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 222.

The following Senate amendment was read:

Amendment No. 957.

Amend sec. 8, page 3, by deleting lines 12 through 14 and inserting: "*if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the board affirmatively finds that:*

*(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and*

*(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.*

*3. In determining whether the public interest requires the scheduling of the substance, the board shall consider:*

*(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:*

*(1) His record of compliance with applicable federal, state and local statutes, ordinances and regulations;*

*(2) His past experience in the manufacture and distribution of controlled substances, and the existence in his establishment of effective controls against the unlawful distribution or use of the substance;*

*(3) Whether he has ever been convicted under any federal or state law relating to a controlled substance; and*

*(4) Whether he has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive, and sections 2 to 13, inclusive, of this act.*

*(b) Whether the substance is controlled under the federal Controlled Substances Act;*

*(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;*

*(d) Any history of abuse or misuse of the substance in this state; and*

*(e) Any other factors which are relevant to the public health and safety.*

*4. In determining whether a substance is misbranded or mislabeled, the board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.*".

Amend sec. 12, page 4, line 10, by deleting: "*or is found guilty of that charge,*".

Amend sec. 15, page 5, line 21, after "inclusive," by inserting: "section 45 of Assembly Bill No. 422 of this session, and section 10 of [this act,] *Assembly Bill No. 550 of this session*".

Amend sec. 17, page 5, by deleting lines 33 through 36 and inserting:

"Sec. 17. (Deleted by amendment.)".

Amend sec. 22, page 7, line 8, by deleting: "A registered nurse" and inserting: "An advanced practitioner of nursing".

Amend sec. 22, page 7, line 10, by deleting: "possess, administer or".

Amend sec. 26, page 8, line 45, by deleting: "[bureau] *Drug Enforcement Administration*" and inserting: "Drug Enforcement Administration".

Amend sec. 26, page 9, line 3, by deleting "under" and inserting "pursuant to".

Amend sec. 26, page 9, line 4, after "destroying" by inserting "the".

Amend sec. 26, page 9, lines 7 and 8, by deleting: "[bureau] *Drug Enforcement Administration*" and inserting: "Drug Enforcement Administration".

Amend sec. 26, page 9, by deleting line 11 and inserting: "the exercise of [their] *its* regulatory functions pursuant to NRS 453.011".

Amend sec. 36, page 13, line 12, by deleting "under" and inserting "pursuant to".

Amend sec. 36, page 13, line 17, by deleting "under" and inserting "pursuant to".

Amend sec. 36, page 13, line 22, by deleting: "under the provisions of" and inserting "pursuant to".

Amend sec. 36, page 13, by deleting lines 28 through 30 and inserting:

"(c) Had his federal registration to manufacture, distribute [, possess, administer, dispense or prescribe] *or dispense* controlled substances suspended or revoked [;".

Amend sec. 36, page 13, line 31, by deleting the open bracket.

Amend sec. 36, page 13, line 32, by deleting "under" and inserting "by".

Amend sec. 36, page 13, lines 41 and 42, by deleting: "the State of Nevada" and inserting "this state".

Amend sec. 36, page 13, line 44, by deleting the comma.

Amend sec. 36, page 13, line 45, by deleting the comma.

Amend sec. 36, page 14, line 11, by deleting "*Committed*" and inserting: *and is no longer authorized by federal law to manufacture, distribute or dispense such substances; or*

*(d) Committed*".

Amend sec. 36, page 14, lines 41 and 42, by deleting: "[bureau] *Drug Enforcement Administration*" and inserting: "Drug Enforcement Administration".

Amend sec. 36, page 14, lines 43 and 44, by deleting: "[bureau] *Drug Enforcement Administration*" and inserting: "Drug Enforcement Administration".

Amend sec. 39, page 16, line 41, after "on" by inserting "any".

Amend sec. 39, page 16, line 47, by deleting "Bureau," and inserting: "Drug Enforcement Administration".

Amend sec. 39, page 17, by deleting line 26 and inserting: "cial data or sales data, other than data for shipment or pricing, unless the owner,".

Amend sec. 39, page 17, line 30, by deleting: "under the provisions of" and inserting "pursuant to".

Amend sec. 39, page 17, line 34, by deleting: "under the provisions of" and inserting "pursuant to".

Amend sec. 44, page 21, by deleting lines 21 through 31, and inserting: "Sec. 44. (Deleted by amendment.)".

Amend sec. 45, page 22, line 10, by deleting "authorities" and inserting: "authorities, if any,".

Amend sec. 45, page 22, line 12, after "detention" by inserting: "or residential confinement".

Amend sec. 46, page 22, line 33, by deleting "group insurance" and inserting "benefits".

Amend the bill as a whole by adding a new section designated sec. 47, following sec. 46, to read as follows:

"Sec. 47. Sections 15, 22, 45 and 46 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 222.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 455, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

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|---|---|
| VAL Z. GARNER | JOHN M. VERGIELS |
| JAMES W. MCGAUGHEY | RAYMOND C. SHAFFER |
| LOUIS W. BERGEVIN | RANDOLPH J. TOWNSEND |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 12.

Amend sec. 5, page 4, by deleting lines 36 and 37 and inserting: "*Each time the notice is published it must be at least as large as 5 inches high by 4 inches wide.*".

Assemblyman Garner moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 455.

Remarks by Assemblyman Garner.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 526, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

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|---|---|
| VAL Z. GARNER | ERNEST E. ADLER |
| LOUIS W. BERGEVIN | JOHN M. VERGIELS |
| RICK CHARLES BENNETT | VIRGIL M. GETTO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 13.

Amend sec. 4, page 2, line 19, by deleting: "*pursuant to NRS 533.370*".

Amend sec. 4, page 2, line 23, by deleting "*or change*".

Amend sec. 4, page 2, by deleting line 24 and inserting:

"*4. There is no water available from the proposed source of supply without exceeding the perennial yield or safe yield of that source;*".

Amend sec. 4, page 2, line 25, by deleting "*or change*".

Amend sec. 4, page 2, line 26, by deleting "*or change*".

Amend sec. 6, page 3, line 2, after the period by inserting: "*The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.*".

Amend the bill as a whole by deleting sec. 7 and renumbering sections 8 and 9 as sections 7 and 8.

Amend sec. 8, page 3, line 35, by deleting "2" and inserting "*4*".

Amend sec. 9, page 4, by deleting line 22 and inserting:

"Sec. 9. Section 7 of this act becomes effective at 12:01 a.m. on".

Assemblyman Bergevin moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 526.

Remarks by Assemblyman Bergevin.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 655, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

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|---|---|
| ROBERT M. SADER | RONALD V. COOK |
| BERNIE ANDERSON | R. HAL SMITH |
| JAMES A. GIBBONS | STEPHANIE S. TYLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 14.

Amend the bill as a whole by adding new sections designated sections 332.5 and 332.7, following sec. 332, to read as follows:

"Sec. 332.5. NRS 89.040 is hereby amended to read as follows:

89.040 1. One or more persons may organize a professional corporation in the manner provided for organizing a private corporation pursuant to chapter 78 of NRS. If more than one person organizes such a corporation, each of the persons organizing the corporation must, except as otherwise provided in subsection 2 of NRS 89.050, be authorized to perform the same professional service. The articles of incorporation must contain the following additional information:

(a) The profession to be practiced by means of the professional corporation.

(b) The names and residential addresses of the original stockholders and directors of the professional corporation.

(c) A certificate from the regulating board of the profession to be practiced showing that each of the [stockholders and] directors , *and each of the stockholders who is a natural person,* is licensed to practice the profession.

2. The corporate name of a professional corporation must contain the words "Professional Corporation" or the abbreviation "Prof. Corp.," or the word "Chartered" or "Limited" or the abbreviation "Ltd." The corporate name must contain the last name of one or more of its stockholders. The corporation may render professional services and exercise its authorized powers under a fictitious name if the corporation has first registered the name in the manner required by chapter 602 of NRS.

Sec. 332.7. NRS 89.050 is hereby amended to read as follows:

89.050 1. Except as otherwise provided in subsection 2, a professional corporation may be organized only for the purpose of rendering one specific type of professional service and may not engage in any business other than rendering the professional service for which it was organized and services reasonably related thereto, except that a professional corporation may own real and personal property appropriate to its business and may invest its funds in any form of real property, securities or any other type of investment.

2. A professional corporation may be organized to render professional service relating to:

(a) Architecture, engineering and landscape architecture, or any combination thereof, and may be composed of persons engaged in the practice of architecture as provided in chapter 623 of NRS, persons engaged in the practice of landscape architecture as provided in chapter 623A of NRS and persons engaged in the practice of professional engineering as provided in chapter 625 of NRS.

(b) Medicine and osteopathy, and may be composed of persons engaged in the practice of medicine as provided in chapter 630 of NRS and persons engaged in the practice of osteopathic medicine as provided in chapter 633 of NRS. *Such a professional corporation may market and manage additional professional corporations which are organized to render professional service relating to medicine and osteopathy.*

3. A professional corporation may render professional service only through its officers and employees, all of whom must be authorized to render that professional service.".

Amend sec. 333, page 124, by deleting line 29 and inserting:

"89.070 1. Except as *otherwise* provided in [subsection 3, no] *subsections 2 and 3:*

*(a) No* corporation".

Amend sec. 333, page 124, by deleting line 33 and inserting: "tion was incorporated. [Except as provided in subsection 3, no]

*(b) No*".

Amend sec. 333, page 124, by deleting line 39 and inserting:

"[2. Except as provided in subsection 3, no]

*(c) No* shares of a corpora-".

Amend sec. 333, page 125, line 2, by deleting "3" and inserting "[3] *2*".

Amend sec. 333, page 125, line 11, by deleting "3." and inserting "[3.] *2.*".

Amend sec. 333, page 125, between lines 26 and 27, by inserting:

"*3. A professional corporation in which all the stockholders who are natural persons are licensed or authorized to render the same specific professional service, may acquire and hold stock in another professional corporation, or in a similar corporation organized pursuant to the corresponding law of another state, if all the stockholders who are natural persons of the corporation whose stock is acquired are licensed or authorized to render the same specific professional service as the stockholders who are natural persons of the professional corporation that acquires the stock.*".

Amend the bill as a whole by adding a new section designated sec. 334.5, following sec. 334, to read as follows:

"Sec. 334.5. NRS 89.090 is hereby amended to read as follows:

89.090 1. Each professional corporation shall, on or before the last day of the month in which the anniversary date of its incorporation occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all stockholders, directors, officers and employees in the corporation and shall certify that all stockholders [,] *who are natural persons and all* directors, officers and employees are licensed or otherwise legally authorized to render professional service in this state. The statement must be made on a form prescribed by the secretary of state, but must not contain any fiscal or other information except that expressly called for by this section. The statement must be signed by the president or vice president of the corporation. The statement is in lieu of the regular annual report of corporations otherwise required by chapter 78 of NRS.

2. Upon filing the statement, the professional corporation shall pay to the secretary of state a fee of $50. For default there must be added to the amount of the fee a penalty of $15.".

Amend sec. 340, pages 128 and 129, by deleting lines 46 through 48 on page 128 and lines 1 and 2 on page 129, and inserting: "divisions of the department. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The director shall consult".

Amend sec. 363, page 137, line 35, after "132" by inserting ", 332.5, 332.7".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 655.

Remarks by Assemblyman Sader.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 453.

The following Senate amendment was read:

Amendment No. 1015.

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

Amend sec. 4, page 2, line 27, by deleting "*1*" and inserting "*2*".

Amend sec. 5, page 2, line 43, by deleting "*1*" and inserting "*2*".

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

Amend sec. 6, page 3, line 7, by deleting "*1*" and inserting "*2*".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 453.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 591.

The following Senate amendment was read:

Amendment No. 1175.

Amend sec. 7, page 5, by deleting lines 10 through 12 and inserting:

"Sec. 7. 1. This section and sections 1, 4 and 5 of this act become effective upon passage and approval.

2. Sections 3 and 6 of this act become effective on October 1, 1991.

3. Section 2 of this act becomes effective July 1, 1992.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 591.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 636.

The following Senate amendment was read:

Amendment No. 1166.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 4 through 6 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 689B.061 is hereby amended to read as follows:

689B.061 A policy of group health insurance which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not provide for *a difference in percentage rates of payment for coinsurance of* more than [a 30 percent difference] *30 percentage points* between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.

4. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

5. Must [use for both the preferred providers of health care and the] *include for* providers of health care who are not preferred [, a common dollar amount to determine] *a provision establishing* the point at which an insured's payment for coinsurance is no longer required to be paid [, based on a calendar year.] *if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.*

6. Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

7. Must require the insurer to [pay] *process* a claim [to] *of* a provider of health care who is not preferred not later than 30 *working* days after the date on which proof of the claim is received.".

Amend sec. 3, page 2, line 22, by deleting "*subsection 2,*" and inserting: "*subsections 2, 3 and 4,*".

Amend sec. 3, page 2, line 23, after "*claim*" by inserting: "*of its insured*".

Amend sec. 3, page 2, by deleting lines 29 through 36 and inserting:

"*2. If the insurer requires additional information or time to determine whether to approve or deny a claim, it shall notify the policyholder of its request for the additional information or time within 20 days after it receives the policyholder's claim, and at least once every 30 days thereafter, until the claim is approved or denied. The notice must set forth the reason why the additional information or time is required.*

*3. The insurer shall approve or deny the claim within:*

*(a) Thirty days after it receives the additional information; or*

*(b) Thirty-one days after the last timely notice was provided pursuant to subsection 2,*

*whichever is later.*

*4. If the claim is approved, the insurer shall pay the claim within 30 days after it is approved. If the approved claim is not paid within that period, the insurer*".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 5, to read as follows:

"Sec. 7. NRS 695B.185 is hereby amended to read as follows:

695B.185 A group contract for hospital, medical or dental services which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not provide for *a difference in percentage rates of payment for coinsurance of* more than [a 30 percent difference] *30 percentage points* between the copayment required to be paid by the insured to a preferred provider of health care and the copayment required to be paid by the insured to a provider of health care who is not preferred.

4. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

5. Must [use for both the preferred providers of health care and the] *include for* providers of health care who are not preferred [, a common dollar amount to determine] *a provision establishing* the point at which an insured's payment for coinsurance is no longer required to be paid [, based on a calendar year.] *if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.*

6. Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

7. Must require the corporation to [pay] *process* a claim [to] *of* a provider of health care who is not preferred not later than 30 *working* days after the date on which proof of the claim is received.".

Amend the title of the bill, seventh line, after "period;" by inserting: "revising the provisions concerning the limitation on the difference in the

payments for coinsurance under a policy of group health insurance and a group contract to preferred providers of health care and providers who are not preferred;".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 636.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 650.

The following Senate amendment was read:

Amendment No. 1055.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "passenger car by [processing a charge on a short-term lessee's credit card or] causing any [debit or] block to be placed on the lessee's credit card account.

2. *A short-term lessor of a passenger car shall not process a charge on a short-term lessee's credit card to pay for any damages to a passenger car leased by the lessee unless the lessor first:*

*(a) Obtains the written consent of the lessee, on a form that is separate from the form for the lease, to pay for the damages by processing a charge on the lessee's credit card;*

*(b) Inspects the vehicle upon its return to the lessor to verify the extent of the damages; and*

*(c) Provides the lessee with a written estimate of the cost to repair the damages and the lessee provides the lessor with written authorization to pay for the damages by processing a charge on the lessee's credit card in an amount that does not exceed the amount of the written estimate.*

*The lessee may waive the provisions of paragraph (c) if the inspection conducted pursuant to paragraph (b) indicates that the cost to repair the damages will not exceed $500 and the lessee provides the lessor with written authorization to pay for the damages by processing a charge on the lessee's credit card in an amount that does not exceed $500.*".

Amend section 1, page 1, line 7, by deleting "2." and inserting "*3.*".

Amend the title of the bill to read as follows:

"An Act relating to the leasing of passenger cars; authorizing a short-term lessor of a passenger car to recover for damages to the car under certain conditions by processing a charge on the lessee's credit card; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes short-term lessor of passenger car to recover for damages to car under certain conditions by processing charge on lessee's credit card. (BDR 52-1557)".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 650.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which were referred Senate Bills Nos. 457, 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Pettyjohn, Bache, Lambert, Goetting, Bergevin, Sader, Callister, Gregory, Johnson, Marvel, Arberry, Gibbons, Petrak, Bennett, Krenzer, Kerns, Evans, Humke, Wendell Williams, Spitler, McGinness, Haller, Bayley, Scherer, Hardy, Heller, Norton, Spriggs, McGaughey, Myrna Williams, Giunchigliani, Porter, Garner, Little, Elliott, Stout, Carpenter, Price and Freeman:

Assembly Concurrent Resolution No. 102—Commending the Superintendent and staff of the State Printing and Micrographics Division of the Department of General Services for services rendered to the Nevada Legislature.

WHEREAS, The 66th session of the Nevada Legislature created an overwhelming number of bills and amendments during this legislative session, requiring the Superintendent and staff of the State Printing and Micrographics Division of the Department of General Services to work long hours in meeting the needs of the Legislature; and

WHEREAS, The work produced by the Division met the high standards of previous years because of the care that the Superintendent and his excellent staff devoted to every assignment given to them; and

WHEREAS, In the absence of such outstanding service, the Legislature could not function or fulfill its obligations to the people of this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature hereby express their appreciation and commend the Superintendent and members of the staff of the State Printing and Micrographics Division for their fine work; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Mr. Donald L. Bailey, the Superintendent of the State Printing and Micrographics Division of the Department of General Services.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Assemblyman Myrna Williams requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. Yes, every day when we sit in these chambers, I'm sure all of us are amazed at the efficiency and, if I may use the term, "wizardry" of the Printing Division. We no sooner ask for something than we have it, we see it in the amendments as

they come through rapidly, we see it in our bill books. Clearly, clearly, we would be here much longer, if that's possible, if it were not for the efficiency and excellent work performed by the Department of Printing, the superintendent and all of the staff that works for him. We owe them a debt of gratitude.

Resolution adopted unanimously.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 484, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

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|---|---|
| BERNIE ANDERSON | ERNEST E. ADLER |
| JAMES A. GIBBONS | RONALD V. COOK |
| WILLIAM A. PETRAK | R. HAL SMITH |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 15.

Amend section 1, page 2, line 12, by deleting "*$2,000.*" and inserting "*$1,500.*".

Amend sec. 2, page 3, line 24, by deleting "*$2,000*" and inserting "*$1,500*".

Amend sec. 3, page 5, line 35, by deleting "*$2,000.*" and inserting "*$1,500.*".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 484.

Remarks by Assemblyman Anderson.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 574; Senate Bills Nos. 457 and 528 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 506 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 574.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1315.

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

"Sec. 2. NRS 268.095 is hereby amended to read as follows:

268.095 1. The city council or other governing body of each incorporated city in the State of Nevada, whether organized under general law or special charter, may:

(a) Except as otherwise provided in section 13.5 of [this act,] *chapter 19, Statutes of Nevada 1991,* fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

*(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general obligations issued by the city for a purpose authorized by the City Bond Law, NRS 268.672 to 268.740, inclusive.*

*(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:*

*(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the City Bond Law, NRS 268.672 to 268.740, inclusive;*

*(2) For the expense of operating or maintaining, or both, any facilities of the city; and*

*(3) For any other purpose for which other money of the city may be used.*

*2. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.*

*3.* No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license presents written evidence that:

(a) The department of taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(b) Another regulatory agency of the state has issued or will issue a license required for this activity.

[3.] *4.* Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien must be enforced in the following manner:

(a) By recording in the office of the county recorder, within 90 days following the date on which the tax became delinquent, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

[4.] *5.* The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. Except as otherwise provided in NRS 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the department of taxation for the exchange of information concerning taxpayers.

[5.] 6. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.''.

Amend the title of the bill, third line, after the semicolon by inserting: ''clarifying the provisions governing the use of the proceeds of a tax imposed on the revenues from the rental of transient lodging;''.

Amend the summary of the bill to read as follows:

''Summary—Revises provisions governing use by cities of proceeds from supplemental city-county relief tax and tax on revenues from rental of transient lodging. (BDR 32-1566)''.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 457.

Bill read second time and ordered to third reading.

Senate Bill No. 528.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 506.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1266.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 18, following the enacting clause, to read as follows:

"Section 1. NRS 501.376 is hereby amended to read as follows:

501.376 1. Any person who unlawfully kills or possesses a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag is guilty of a gross misdemeanor. This subsection does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.

2. *A tag issued for hunting any big game animal specified in subsection 1 is not valid if knowingly used by a person:*

*(a) Other than the person specified on the tag;*

*(b) Outside of the management area or other area specified on the tag;*

*(c) Outside of the dates established by the commission for the lawful taking of the big game animal specified on the tag;*

*(d) Outside of the hours set pursuant to NRS 503.140 for the lawful hunting of the big game animal specified on the tag; or*

*(e) If the tag was obtained by a false or fraudulent representation.*

*3.* Any vessel, vehicle, aircraft or other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring or purchasing of wildlife in violation of subsection 1 for which a gross misdemeanor conviction is obtained is subject to forfeiture to the state if:

(a) The owner of the vessel, vehicle, aircraft or equipment was at the time of the violation a consenting party or privy thereto, or in the exercise of due care, should have known that [such] *the* vessel, vehicle, aircraft or other equipment would be used in violation of subsection 1; and

(b) The violation involved the:

(1) Intent to sell or purchase wildlife;

(2) Offer to sell or purchase wildlife; or

(3) Sale or purchase of wildlife.

Sec. 2. Chapter 502 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *The department shall account separately for the money received from fees for processing applications for tags and use that money only for all of the department's direct and indirect costs associated with the system of applications and drawings for, and the issuance of, tags.*

Sec. 4. *1. For the purpose of issuing and using resident licenses, tags or permits pursuant to this chapter, a person is considered to be a resident of the State of Nevada if:*

*(a) He is a citizen of, or is lawfully entitled to remain in, the United States; and*

*(b) During the 6 months next preceding his application to the department for a license, tag or permit, he:*

*(1) Was domiciled in this state;*

*(2) Was physically present in this state, except for temporary absences; and*

*(3) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.*

*2. A person who is not domiciled in Nevada but who is attending an institution of higher learning in this state as a full-time student is eligible for a resident license, tag or permit if, during the 6 months next preceding his application to the department for a license, tag or permit, he:*

*(a) Was physically present in Nevada, except for temporary trips outside of the state; and*

*(b) Did not purchase or apply for any resident license, tag or permit to hunt, fish or trap in another state, country or province.*

*3. A resident license, tag or permit issued by this state is void if the person to whom it was issued establishes his domicile in and obtains any privilege or entitlement conditional on residency from another state, country or province.*

Sec. 5. NRS 502.040 is hereby amended to read as follows:

502.040 1. The commission shall adopt regulations regarding the number of license agents to be designated in any locality, the standards to be met by license agents, the manner of remitting money to the department, and the manner of accounting for licenses, tags, stamps and permits received, issued, sold or returned. A license agent's authority may be revoked or suspended by the department for his failure to abide by the regulations of the commission. The agent may appeal to the commission for reinstatement.

2. A license agent designated by the department is responsible for the correct issuance of all licenses, tags, stamps and permits entrusted to him, and, so far as he is able, for ensuring that no licenses are issued upon the false statement of an applicant. Before issuing any license, the license agent shall satisfy himself of the identity of the applicant and the place of his residence, and may require any applicant to present proof of his identity and residence.

3. Except as otherwise provided in subsection 4, a license agent shall furnish a bond to the department for the proper performance of his duties,

executed by the license agent as principal, and by a corporation qualified under the laws of this state as surety, and payable to the State of Nevada in such an amount as is determined by the commission. The premium for the bond must be paid by the license agent, except in remote areas where the agency is established for the convenience of the commission, in which case the premium must be paid from the wildlife account in the state general fund.

4. In lieu of a bond, the license agent may purchase inventory in advance of sales or deposit with the department a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is not available for withdrawal except upon order of the department.

5. A license agent is responsible to the department for the collection of the correct and required fee, for the safeguarding of the money collected by him, and for the prompt remission to the department for deposit in accordance with NRS 501.356 of all money collected. The department shall furnish to the license agent receipts for all money which he remits to the department. A license agent shall furnish a receipt to the department of all licenses, tags, stamps or permits which he receives from the department.

6. For each license, tag, stamp or permit he sells, a license agent is entitled to receive a service fee of:

(a) Fifty cents for each license, tag or permit, in addition to the fee for the license, tag or permit *;* [stated in NRS 502.240 or 502.250;] and

(b) Ten cents for each stamp or similar document issued which does not require completion by the agent.

7. Any person authorized to enforce this chapter may inspect, during the license agent's normal business hours, any record or document of the agent relating to the issuance of any such license, tag or permit.

8. All money collected by a license agent, except service fees collected pursuant to subsection 6, is public money of the State of Nevada, and the state has a prior claim for the amount of money due it upon all assets of the agent over all creditors, assignees or other claimants. The use of this money for private or business transactions is a misuse of public funds and punishable under the laws provided.

Sec. 6. NRS 502.160 is hereby amended to read as follows:

502.160 1. The department shall designate the form of the tag, requiring such numbering or other manner of identification as is necessary to designate the name or hunting license number of the person to whom *it is* issued. Each tag [shall] *must* show the game for which it may be used, the year, and, whenever necessary, the management area in which it may be used.

2. The commission may [make any regulation] *adopt any regulations* necessary relative to the manner of *qualifying and applying for,* using, *completing,* attaching, filling out, punching, inspecting, validating or reporting such tags. It is unlawful for any person to fail to abide by any such regulation.

Sec. 7. NRS 502.190 is hereby amended to read as follows:

502.190 1. Tags for hunting wildlife in regular season by nonresident [or alien] hunters may be limited to a certain number in any management area, which management area may include all of any county, any portion of any county, or any continuous area in adjacent counties.

2. Whenever a limit is placed upon the number of tags available to nonresident [or alien] hunters in any management area the commission shall determine the manner in which the tags are issued, whether by lot or by sale to first applicants, the manner of application, the manner of delivering the tags and other necessary matters.

3. Whenever applications, money or tags and licenses are entrusted to the mails the commission is not responsible for loss or delay in the mails.

Sec. 8. NRS 502.210 is hereby amended to read as follows:

502.210 A duplicate tag [must] *may* not be issued except:

1. Upon an affidavit by the applicant that a tag previously issued has been lost or destroyed and upon payment of a fee in an amount equal to the fee provided by law for initial issuance of the tag.

2. Upon receiving an affidavit of an applicant that he has not received the tag for which he applied and paid the required fee, the department may, not earlier than [30] *7* days after the date on which the tag was mailed, issue a duplicate tag to the applicant upon payment of a fee of $1.

3. When any deer hunter kills a deer which he has reason to believe is diseased and unfit for human consumption, he must place his tag on the carcass in the manner provided by law or regulation, but, upon inspection of the carcass by a game warden, the hunter may be authorized by the warden to obtain a duplicate tag without charge if the warden has found by his inspection that the deer killed was diseased and unfit for human consumption. *The warden shall seize and properly dispose of any such deer, including its hide and antlers.*

Sec. 9. NRS 502.240 is hereby amended to read as follows:

502.240 The department shall issue annual licenses and limited permits:

1. To any [citizen of the United States] *person* who has attained his 12th birthday but who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of $5 for an annual fishing or hunting license or $9 for a combination hunting and fishing license.

2. To any [citizen of the United States] *person* who has not attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon payment of $5 for an annual trapping license.

3. Except as otherwise provided in NRS 502.245 and 504.390, to any [citizen of the United States] *person* who has attained his 16th birthday and who has been a bona fide resident of the State of Nevada for 6 months immediately preceding his application for a license, upon the payment of:

| | |
|---|---|
| For a fishing license | $15.00 |
| For a 10-day permit to fish | 10.00 |
| For a 3-day permit to fish | 6.00 |

For a hunting license..... 20.00
For a combined hunting and fishing license..... 33.50
For a trapping license..... 30.50
For a fur dealer's license..... 50.00
For an annual master guide's license.....[125.00] *250.00*
For an annual subguide's license.....[60.00] *75.00*

4. To any [alien or to any citizen of the United States] *person* who has attained his 12th birthday but who has not attained his 16th birthday, not a bona fide resident of the State of Nevada, upon the payment of $8 for an annual fishing license, except for a fishing license to fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave, which annual license must cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed $30.

5. Except as otherwise provided in subsection 4, to any [alien or to any citizen of the United States,] *person,* not a bona fide resident of the State of Nevada, upon the payment of:

For a fishing license, except for a fishing license to fish in the reciprocal waters of the Colorado River, Lake Mead and Lake Mohave, which license must cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed $30.....[$35] *$45*
For a 10-day permit to fish.....[20] *30*
For a 3-day permit to fish.....[12] *17*
For a hunting license.....[90] *100*
For an annual trapper's license..... 150
For a fur dealer's license..... 100
For an annual master guide's license.....[250] *500*
For an annual subguide's license.....[125] *150*
For a 10-day permit to hunt upland game and waterfowl.....[40] *50*

6. To any person, without regard to residence, upon the payment of:

For a noncommercial wildlife culturing facility..... $5
For a commercial or private shooting preserve..... 100
For a commercial wildlife culturing facility..... 100
For a live bait dealer's permit..... 35
For a competitive field trials permit..... 25
For a permit to train dogs or falcons..... 5
For a falconry license..... 30
For an importation permit..... 5
For an import eligibility permit..... 25
For an exportation permit..... 5
For a permit to maintain a collection of live wild animals..... 10
For any other special permit issued by the department, a fee not to exceed $100 set by the commission.

Sec. 10. NRS 502.250 is hereby amended to read as follows:

502.250 1. Except as otherwise provided in subsection 5, the following fees must be charged for tags:

Resident deer tag for regular season..... $15

Nonresident [and alien] deer tag for regular season..... 60
Resident antelope tag.....[30] *50*
Resident elk tag.....[75] *100*
Resident bighorn tag.....[75] *100*
Resident mountain goat tag.....[75] *100*
Resident mountain lion tag.....[15] *50*

2. Other resident big game tags for special seasons must not exceed $50. Other nonresident [and alien] big game tags for special seasons must not exceed $1,000.

3. Tags determined to be necessary by the commission for other species pursuant to NRS 502.130, must not exceed $100.

4. A fee not to exceed [$5] *$10* may be charged for processing an application for a tag other than an elk tag. A fee of [$10] *not less than $5 but not more than $15* must be charged for processing an application for an elk tag, $5 of which must be deposited with the state treasurer for credit to the wildlife account in the state general fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this state.

5. The commission may accept sealed bids for or auction two bighorn sheep tags, one antelope tag, one elk tag and two deer tags each year. The money received from the bid or auction must be deposited with the state treasurer for credit to the wildlife account in the state general fund.

Sec. 11. NRS 502.360 is hereby amended to read as follows:

502.360 It is unlawful to [issue or receive] *obtain* a hunting license in violation of NRS 502.330.

Sec. 12. NRS 503.454 is hereby amended to read as follows:

503.454 1. Every person who takes fur-bearing mammals *by any legal method* or unprotected mammals by trapping or sells raw furs for profit shall procure a trapping license.

2. It is unlawful to remove or disturb the trap of any holder of a trapping license while the trap is being legally used by him on public land or on land where he has permission to trap.

Sec. 13. NRS 504.390 is hereby amended to read as follows:

504.390 1. As used in this section, unless the context requires otherwise, "guide" means to assist another person in hunting wild mammals or wild birds and fishing and includes the transporting of another person or his equipment to hunting and fishing locations within a general hunting and fishing area whether or not the guide determines the destination or course of travel.

2. Every person who provides guide service for compensation or provides guide service as an incidental service to customers of any commercial enterprise, whether a direct fee is charged for the guide service or not, shall obtain a master guide license from the department. Such a license [may] *must* not be issued to any person who has not reached 21 years of age.

3. Each person who assists a person who is required to have a master guide license and acts as a guide in the course of that activity shall obtain a subguide license from the department. Such a license [may] *must* not be issued to any person who has not reached 18 years of age.

4. Fees for master guide and subguide licenses must be as provided in NRS 502.240.

5. Any person who desires a master guide license must apply for the license on a form prescribed and furnished by the department. The application must contain such information as the commission may require by regulation. If that person was not licensed as a master guide during the previous licensing year, his application must be accompanied by a fee of [$100,] *$500,* which is not refundable.

6. Any person who desires a subguide license must apply for the license on a form prescribed and furnished by the department.

7. If the holder of a master guide license operates with pack or riding animals, he shall also have a grazing or special use permit if he operates in any area where such a permit is required.

8. The holder of a master guide license shall maintain records of the number of hunters and fishermen served, and any other information which the department may require concerning fish and game taken by such persons. Such information must be furnished to the department on request.

9. If any licensee under this section, or person served by a licensee, is convicted of a violation of any provision of this Title [, the department may immediately] *or chapter 488 of NRS, the commission may* revoke the license of the licensee and may refuse issuance of another license to the licensee for a period [of 2 years after the date of conviction.] *not to exceed 5 years.*

10. The commission may adopt regulations covering the conduct and operation of a guide service.

11. The department may issue master guide and subguide licenses to be valid only in certain districts in such manner as may be determined by the regulations of the commission.

Sec. 14. NRS 505.010 is hereby amended to read as follows:

505.010 1. It is unlawful for any person to engage in, carry on or conduct wholly or in part the business of buying, selling, trading or dealing, within this state, in the raw skins or pelts of any wild mammal without first obtaining a fur dealer's license pursuant to NRS 502.240.

2. If the dealer resides in, or if his principal place of business is within this state, he is a resident fur dealer.

3. All other fur dealers are nonresident fur dealers.

4. The [department may require any person to submit such records and reports as are reasonably necessary to carry out the provisions of this section.] *commission may adopt regulations concerning the licensing, operating and recordkeeping of fur dealers.*

Sec. 15. NRS 242.131 is hereby amended to read as follows:

242.131 1. The department shall provide state agencies and elected state officers with all of their required design of systems, programming and use of equipment for data processing, and all agencies and officers must use those services and equipment, except as provided in subsection 2.

2. The following agencies may negotiate with the department for its services or the use of its equipment, subject to the provisions of this chapter, and the department shall provide such services and the use of such equipment as may be mutually agreed:

(a) Court administrator;

(b) Department of motor vehicles and public safety;

(c) Department of transportation;

(d) Employment security department;

(e) Legislative counsel bureau;

(f) State industrial insurance system;

(g) State controller;

(h) State gaming control board and Nevada gaming commission; [and]

(i) *Department of wildlife; and*

*(j)* University of Nevada System.

3. Any state agency or elected state officer who uses the services of the department and desires to withdraw substantially from that use must apply to the director for approval. The application must set forth justification for the withdrawal. If the director denies the application, the agency or officer must:

(a) If the legislature is in regular or special session, obtain the approval of the legislature by concurrent resolution.

(b) If the legislature is not in regular or special session, obtain the approval of the interim finance committee. The director shall, within 45 days after receipt of the application, forward the application together with his recommendation for approval or denial to the interim finance committee. The interim finance committee has 45 days after the application and recommendation are submitted to its secretary within which to consider the application. Any application which is not considered by the committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the department to provide them, the department may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

Sec. 16. NRS 502.170 is hereby repealed.

Sec. 17. 1. The department of wildlife shall solicit bids in accordance with state law for the development of a computer program for the issuance of tags for special seasons.

2. The request for proposals must indicate, and any contract awarded must provide, that the following conditions apply to the contract for the development of a computer program pursuant to this section:

(a) The contract must result in the establishment of a complete system, that can be readily changed, of applications and drawings for, and the issuance of, tags.

(b) The contract must allow access to and the use of existing data and files of the department, to the extent necessary to carry out the contract.

(c) The department must acquire ownership of the computer program at the end of the term of the contract.

3. The department must award the contract for the development of the computer program to a private entity unless no qualified bids are received. If no qualified bids are received, the program may be developed by a public agency.

4. Before submitting a contract proposed pursuant to this section to the state board of examiners for approval, the director of the department of wildlife shall submit the qualified bid or bids received by the department to the interim finance committee for its advisory review.

5. The program developed pursuant to this section must be used for all drawings of tags on or after January 1, 1993, for special seasons.

6. As used in this section, "special season" has the meaning ascribed to it in NRS 501.085.

Sec. 18. 1. This section and sections 2, 3, 15 and 17 of this act become effective on July 1, 1991.

2. Section 1, 4, 5, 6, 8, 11 and 16 of this act become effective on October 1, 1991.

3. Sections 12 and 14 of this act become effective at 12:01 a.m. on October 1, 1991.

4. Sections 7, 9, 10 and 13 of this act become effective on March 1, 1992.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 6, to read as follows:

TEXT OF REPEALED SECTION

502.170 Tags to be issued only to holders of valid licenses. Tags shall be issued only to holders of valid hunting licenses or trapping licenses and whenever the possession of tags is a requisite to the hunting or trapping of any species, then the acquisition of a hunting license or trapping license shall be required, regardless of age.".

Amend the title of the bill to read as follows:

"An Act relating to wildlife; increasing fees for certain licenses, permits and tags for hunting and fishing; making various changes concerning licenses, tags and permits to hunt, fish or trap; authorizing the revocation of a guide's license for certain violations concerning watercraft; authorizing the board of wildlife commissioners to adopt regulations concerning fur dealers; requiring the department of wildlife to contract for the development of a computer program for conducting certain drawings; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes in laws relating to wildlife. (BDR 45-2094)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblymen Callister, Humke and Price.

Assemblyman Humke requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of this amendment. I would like the proponents of the original amendment to know that. I would like to also state for the record, that there is some uncertainty about the language. I haven't found it yet in the amendment but I want to make it clear that it's the intent of a compromise to show that all aspects of the draw for tags will be privatized so long as a bidder can be found. I just want to make that absolutely clear to this body. Thank you.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 87, 501, 563; Senate Bill No. 462; Senate Joint Resolution No. 23.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 19, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 12:38 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTIETH DAY

CARSON CITY (Wednesday), June 19, 1991

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

Almighty God, bless those who hold office in the government of this state, especially those in this Assembly that are still here, that they may do their work in a spirit of wisdom, kindness and justice. Help them use their authority to serve faithfully and to promote the general welfare. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Select Committee on Corrections, to which were referred Senate Bills Nos. 456, 607, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 574.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 261, 312, 421, 446, 447, 713, 721, 785, 787.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 233, 320, 365, 424, 577, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 455.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 61, 62, 101.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Shaffer, Nevin and O'Connell as a first Committee on Conference concerning Senate Bill No. 554.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 526.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 19, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 65.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 65.

Assemblyman Bergevin moved the adoption of the resolution.

Remarks by Assemblyman Bergevin.

Assemblyman Gibbons requested that Assemblyman Bergevin's remarks be entered in the Journal.

Thank you, Mr. Speaker. I move for the adoption of this resolution. I have known Duane Mack all of my life. He was more affectionately known as Scotchie to all of the people of Douglas County, and as the resolution stated, he was a great community man. He was very generous to the community with the things that he had, giving land for the library, for churches, for water wells and other things to the Town of Minden. He also had one of the most beautiful ranches in Carson Valley situated on the East Fork of the Carson River. At one time he was a great producer of alfalfa and timothy hay. The timothy hay that he produced was sold to the Los Angeles markets for the horse racing business. In later years Duane Mack decided to subdivide a portion of his ranch, and if you drive out into Minden today, you'll find that the subdivision is one of the most generously planned and accurately planned of any subdivision you'll find anywhere. It's a first-class operation.

I got to know Duane real well. He was a constant morning man at Sharkey's for a cup of coffee. You could walk in there any morning about nine o'clock and Duane would be there, and he and I would sit down, he having been a former member of this legislature, and talk over some of the things that were going on in this legislature. I enjoyed those talks with Duane, i.e., Scotchie. In the later years of his life, he became rather infirm and was not able to get around, but his spirit was still there. Certainly, he was a man of the community, he was well respected in the community and he will be greatly missed by the community.

Resolution adopted unanimously.

Assemblyman Bergevin moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:55 a.m.

## ASSEMBLY IN SESSION

At 12:05 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 805, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was re-referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 160, 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Concurrent Resolution No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 62.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 818—An Act making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 1991, and ending June 30, 1992, and beginning July 1, 1992, and ending June 30, 1993; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 574.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Spriggs, Price, Johnson, Haller, Callister and Little.

Assemblyman Carpenter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Assembly Bill No. 224, as amended by the Assembly Committee on Ways and Means, revises the household income levels for eligibility for refund of property taxes for senior citizens who are homeowners, as well as those who are renting a home or a mobile home. The senior citizens' property tax assistance program provides relief to eligible senior citizens who are carrying excessive residential property tax burdens in relation to their incomes, and to those seniors who through rent payments pay a disproportionate amount of their income for property taxes. Currently, to be eligible for refund, a person must be a resident of Nevada, have maintained a residence for six months of the preceding calendar year, attained the age of 62 on or before the last day of June immediately preceding the filing period, and have a household income of not more than $15,100. The Executive Budget provided for more equity to senior citizens participating in this program by increasing the levels of household income eligibility to account for public program cost of living increases. Assembly Bill No. 224, as amended, raises the income eligibility level to a maximum household income of $19,000 and revises other income ranges between zero and $19,000 according to the recommendation in the Executive Budget effective July 1, 1991. The Committee on Ways and Means recommends do pass.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. I would like to ask a question to you and through you. The Taxation Committee heard this bill first and put in what they thought the limits should be, and now Ways and Means has really raised that a lot higher. I would like to know what the fiscal impact of this new amendment is to the county governments and the schools.

ASSEMBLYMAN PRICE:

Thank you. Actually, we had two bills; one from the administration and one from our colleague from Washoe County on the same subject. The budget was closed with the figures from the administration bill in there, so we amended the administration's figures into Mr. Haller's bill. The fiscal impact, of course, if there is one, is in our fiscal notes book, but that's according to the governor's and the closed budget.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker, for the second time. What we're talking about and what the answer was is the state budget, and I think this has quite an impact on county budget, and that's what I was asking.

ASSEMBLYMAN PRICE:

I can't answer that off the top of my head. We would have to get an analysis from the counties. Normally, on these bills we've passed over the years, the figures that we have had dealt with the budget impact statewide.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I rise in support of this bill. I think the process of giving tax breaks to the elderly is appropriate. I think that at some time we need to review the

property tax system that we have that proposes to give breaks to the senior citizens and gives the tax break to the class of property rather than to the individual who has the demonstrated and documented need, so I encourage the support of this approach.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in support of the bill. What it really amounts to is not a tax cut, it is actually a rebate of money already paid, and it's not total by any means in most cases. The principle has been well-established, it goes back quite a few years, and we have been periodically updating the amount because it's getting tougher, folks. I would say, speaking from the viewpoint of Washoe County Assessor's office, they supported the bill, as did the tax department in the state. The Assessor's office in Washoe finds one problem in that so few people have been applying and they're trying to build it up. It's genuinely important to people who are really on the edge.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. To you and through you to my colleague from Hawthorne. A quick glance at the fiscal note that's in your green fiscal note volume suggests that A.B. No. 224 has no impact on Clark County. It also notes that the Nevada Association of Counties and the Nevada League of Cities report for the rural areas does not have a reflection one way or another.

ASSEMBLYMAN LITTLE:

Thank you, Mr. Speaker. To you and through you to the chairman of that committee. If this is a bill based on need, is there another part of this bill that will be extended to young families that are in this low type of income for some of these credits on tax also?

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. The answer is no.

Roll call on Assembly Bill No. 224:

YEAS—39.

NAYS—Bayley, Little, Spriggs—3.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 783 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Spitler moved that Senate Bill No. 622 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spitler.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Goetting moved that Assembly Bill No. 580 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Goetting.

Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 153, 457, 528, 576, 578, 591 and 594 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

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

Assembly in recess at 12:20 p.m.

## ASSEMBLY IN SESSION

At 12:38 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which was referred Assembly Bill No. 799, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Education, to which was referred Senate Concurrent Resolution No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was re-referred Assembly Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 651, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 513, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 514, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 638.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Welfare:

Assembly Joint Resolution No. 31—Proposing to amend section 6 of article 15 of the constitution of the State of Nevada, relating to the legislative department, to expand the aggregate number of legislators allowed.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 6 of article 15 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 6. The aggregate number of members of both branches of the Legislature [shall] *must* never exceed [Seventy five.] *100.*

Assemblyman Arberry moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 61.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 638.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Arberry, Kerns, Wendell Williams, Hardy, Heller, Spriggs, Petrak, Norton, Giunchigliani, Myrna Williams, Garner, Little, Elliott, Carpenter, Stout, Marvel, Gibbons, Bennett, Krenzer, Wong, Johnson, Gregory, Price, Evans, Callister, Porter, Sader, McGaughey, Bergevin, Spitler, Freeman, Lambert, McGinness, Pettyjohn, Bayley, Bache, Scherer, Goetting, Anderson, Haller, Humke and Dini:

Assembly Resolution No. 8—Commending Craig Calvin Page for earning a Juris Doctor degree from McGeorge School of Law.

WHEREAS, Craig Calvin Page began his career in state government in 1983 as the Assistant Sergeant of Arms in the Assembly for the 62nd session of the Nevada Legislature; and

WHEREAS, Recognizing the importance of education, Craig Calvin Page moved to Sacramento, California, where he attended McGeorge School of Law at night, while working during the day as a Legislative Liaison for the Division of Recycling of the Department of Conservation; and

WHEREAS, Craig Calvin Page has demonstrated that with determination, desire and hard work, a person can overcome any obstacle and attain his dream; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That members of this legislative body do hereby commend and congratulate Craig Calvin Page upon earning a Juris Doctor degree from McGeorge School of Law and wish him a successful future in the legal profession; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Craig Calvin Page.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblyman Pettyjohn.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Stout and Petrak.

Assemblyman Wendell Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Assembly Bill No. 548, as amended by the Assembly Ways and Means Committee, provides a general fund appropriation of $38,274 in '92 and $36,444 in 1993 to the Division of Aging Services in order to establish the office of ombudsman for aging persons. The funds will be utilized by the division to provide assistance to persons who are 60 years of age or older and who do not reside in long-term care facilities. Currently the ombudsman program within the Division of Aging Services focuses solely on the health, safety and civil rights issues for elderly Nevadans residing in long-term care facilities. Assembly Bill No. 548, as amended, addresses the needs of senior citizens who may be active in the community, as well as the seniors who are without resources and may be homebound. The ombudsman program as outlined in A.B. No. 548 will assist senior citizens through coordination of resources and services within their respective communities. Other assistance provided in A.B. No. 548 includes the development of a centralized data base consisting of information of interest to aging persons and a publication as a reference guide of programs available to seniors in each community. The general fund appropriation provides for one staff ombudsman and associated equipment and travel costs. Order of Business No. 15.

Thank you, Mr. Speaker. The concept of this bill was generated from a senior citizens' task force that I formulated in my district. The task force is chaired by Mr. Bart Rivers, and the current members are Audrey Thomas, Joan Urbantke, Emery Davis, former Congressman Berkeley Bunker, and Richard Bentley. We felt the senior citizens of Nevada needed an ombudsman to cut through the red tape and help them to network with each other. There are many services for seniors, but there does not seem to be anyone that can coordinate the federal, state and local programs. By having one person to call, we can better ensure that these services are not duplicated and that they are more efficiently

handled. With the large number of seniors moving into Nevada, it is absolutely necessary that the aged have someone to assist them. This bill also calls for a directory or guide to be put together for use in each of the counties. This bill was not in the governor's budget; however, I would submit that for a total cost of less than $75,000 we will be funding a program which will provide a direct service to the senior citizens in our state. It will allow them to be self-sufficient and be able to live in dignity. If we can buy an airplane for $450,000 when it wasn't in the budget, we surely can spend $75,000 for the people who have worked hard and contributed to our community. Your committees on Health and Welfare and Ways and Means recommend a Do Pass.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I reluctantly rise in opposition to this. I think that we've got to start holding the line some place on this budget. Although the idea is well thought out, I have been a member of RSVP and other senior citizen advisory councils in Henderson, and I know that we have adequate information for anyone who would care to find out the programs. I think this is just another duplication of services, and I think we can do without it. I urge you to vote against it. Thank you.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I rise in support of this legislation, very important. As the Assembly member of the Nevada Committee on Aging, at the last meeting that we had—of course, the folks on that committee were up here and you were introduced to them—we discussed fully this particular subject and they felt there was a great need in the state. I certainly stand here in recommendation that you consider supporting this legislation. Thank you.

Roll call on Assembly Bill No. 548:

YEAS—27.

NAYS—Bayley, Bergevin, Carpenter, Goetting, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, Marvel, Pettyjohn, Spriggs, Stout—15.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 783 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Pettyjohn moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblymen Pettyjohn, Freeman, Humke, Norton and Spriggs.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 817.

Bill read third time.

Remarks by Assemblymen Evans and Little.

Roll call on Assembly Bill No. 817:

YEAS—42.

NAYS—None.

Assembly Bill No. 817 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 622.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1317.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. Except as otherwise provided in subsection 2, a vehicle used by a licensed hauler of garbage and refuse may be operated or moved upon a public highway, if the weight of the vehicle does not exceed:*

*(a) On a single axle, 22,000 pounds; or*

*(b) On a tandem axle, 40,000 pounds.*

*2. A vehicle must not be operated or moved upon a highway within the designated interstate system, if the weight of the vehicle exceeds:*

*(a) On a single axle, 20,000 pounds; or*

*(b) On a tandem axle, 34,000 pounds.*

*3. As used in this section:*

*(a) "Licensed hauler of garbage and refuse" means a person who holds the licenses and permits required to operate a business of collecting and disposing of garbage and refuse. The term includes a person who is licensed to operate a business of collecting recyclable materials.*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 580.

Bill read third time.

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

Amendment No. 1004.

Amend section 1, page 1, by deleting lines 3 through 21 and inserting:

"*The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by a municipality for work to be done in an urban renewal project.*".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 4 through 7 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 279.500 is hereby amended to read as follows:

279.500 1. [Before awarding any contract for such work to be done in a project, the agency shall ascertain the general prevailing rate of per diem wages in the locality in which the work is to be performed, for each craft or type of workman needed to execute the contract or work, and shall specify in

the call for bids for the contract and in the contract such rate and the general prevailing rate for regular, holiday and overtime work in the locality, for each craft or type of workman needed to execute the contract.

2. The contractor to whom the contract is awarded and any subcontractor under him shall pay not less than the specified prevailing rate of wages to all workmen employed in the execution of the contract.] *The provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by an agency for work to be done in a project.*

*2. If an agency provides property for development at less than the fair market value of the property, or provides financial incentives to the developer with a value of more than $100,000, the agency must provide in the agreement with the developer that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, to the same extent as if the agency had awarded the contract for the project. This subsection applies only to the project covered by the agreement between the agency and the developer. This subsection does not apply to future development of the property unless additional financial incentives with a value of more than $100,000 are provided to the developer.*".

Amend sec. 3, page 2, by deleting lines 40 through 44 and inserting: "inclusive [.] , *except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by the county for work to be done in a project.*".

Amend sec. 4, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 3 on page 4 and inserting:

"6. Any] , *except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by the city for work to be done in a project.*".

Amend sec. 5, page 5, by deleting lines 1 through 5 on page 5 and inserting: "*provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by the director for work to be done in a project.*".

Amend sec. 6, page 5, by deleting lines 32 through 36 and inserting: "*the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction which is awarded on or after October 1, 1991, by the director or a municipality for work to be done in a water project.*".

Amend the bill as a whole by adding a new section designated sec. 8 and the text of the repealed sections, following sec. 6, to read as follows:

"Sec. 8. NRS 279.502 and 279.504 are hereby repealed.

279.502 Penalty for nonpayment of stipulated wage. As a penalty to the agency which awarded the contract, the contractor shall forfeit $10 for each calendar day or portion thereof for each workman paid less than the

stipulated prevailing rates for any public work done under the contract by him or by any subcontractor under him. A stipulation to this effect shall be included in the contract.

279.504 Payroll records; inspection. Each contractor and subcontractor shall keep an accurate record showing the name, occupation and actual per diem wages paid to each workman employed by him in connection with the work. The record shall be kept open at all reasonable hours to the inspection of the agency.''.

Assemblyman Goetting moved the adoption of the amendment.

Remarks by Assemblymen Goetting and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 783.

Bill read third time.

Remarks by Assemblymen Norton and Porter.

Assemblyman Porter requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. Because of the representation of my law partner to individuals in this industry, I will be abstaining from the vote and I would also like the Speaker and everyone else to know that I excused myself from consideration of these bills even in committee and they have been processed exclusively by my vice chairman. Thank you.

Roll call on Assembly Bill No. 783:

YEAS—40.

NAYS—None.

Not voting—Porter, Spitler—2.

Assembly Bill No. 783 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 224, 443, 548, 783 and 817 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 319, 514, 517, 651, 799, 805; Senate Bills Nos. 160, 324, 456, 535 and 607 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 104 and Senate Bill No. 7 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 1:10 p.m.

## ASSEMBLY IN SESSION

At 1:15 p.m.

Mr. Speaker presiding.

Quorum present.

### SECOND READING AND AMENDMENT

Assembly Bill No. 319.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 514.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 651.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1333.

Amend section 1, pages 1 and 2, by deleting lines 11 through 18 on page 1 and lines 1 through 13 on page 2 and inserting:

"3. A listing of any direct business associations or partnerships with any current member of the legislature.

4. A description of the [principal] areas of interest on which the registrant expects to lobby. *After the initial registration, the lobbyist shall revise his statement within 24 hours after he begins to lobby on any other area of interest not listed previously.*

5. If the registrant lobbies or purports to lobby on behalf of members, a statement of the number of members.

6. A declaration under penalty of perjury that none of the registrant's".

Amend sec. 2, page 2, by deleting lines 28 and 29 and inserting: "*report must identify:*

*(a) Each legislator, registrant or employee on whose behalf expenditures were made; and*

*(b) The person employing or retaining the registrant on whose behalf each such expenditure was made.*

*If subsection 2 is applicable, the report must be itemized with respect to each such*".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill by deleting the third and fourth lines and inserting: "and providing other matters properly relating".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, McGinness and Kerns.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 799.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 805.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1248.

Amend the bill as a whole by deleting sections 1 through 29 and inserting:

"Secs. 1-29. (Deleted by amendment.)".

Amend sec. 31, page 8, line 40, by deleting "*Every:*" and inserting: "*Except as otherwise provided in subsection 5, every:*".

Amend sec. 31, page 9, between lines 10 and 11 by inserting:

"*5. The provisions of this section do not apply to a domestic insurer who:*

*(a) Is not licensed or authorized to do business in any state other than Nevada; or*

*(b) Is exempted from the requirements of this section by order of the commissioner for good cause shown.*".

Amend the bill as a whole by deleting sections 32 through 37 and inserting:

"Secs. 32-37. (Deleted by amendment.)".

Amend sec. 38, page 11, line 11, by deleting "*6,*" and inserting "*5,*".

Amend sec. 38, page 12, by deleting lines 1 through 10 and inserting:

| | | | | | | |
|---|---|---|---|---|---|---|
| *"Health,* | | | | | | |
| *Property,* | | | | | | |
| *Casualty,* | | | | | | |
| *Surety,* | | | | | | |
| *Marine &* | | | | | | |
| *Trans-* | | | | | | |
| *porta-* | | | | | | |
| *tion* | | | | | | |
| *Multiple* | | | | | | |
| *line.....* | *500,000* | *1,000,000* | *500,000* | *1,000,000* | *500,000* | *1,000,000."* |

Amend sec. 38, page 12, by deleting lines 37 through 39.

Amend sec. 38, page 12, line 40, by deleting "*6.*" and inserting "*5.*".

Amend sec. 41, page 13, line 48, by deleting "*and*".

Amend sec. 41, page 14, line 1, by deleting the bracket.

Amend sec. 41, page 14, line 2, by deleting the bracket.

Amend the bill as a whole by adding a new section designated sec. 43.5, following sec. 43, to read as follows:

"Sec. 43.5. NRS 681A.070 is hereby amended to read as follows:

681A.070 "Surety insurance" includes:

1. Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust.

2. Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings and contracts of suretyship.

3. Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mort-

gages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, gems, precious and semiprecious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

*4. Financial guaranty insurance, which is insurance or bonding that guarantees the payment of the principal and interest on a security if the issuer of the security defaults in the payment of the principal or interest. Financial guaranty insurance does not include coverage for items described in subsection 3.*".

Amend sec. 44, page 15, line 1, after "2." by inserting: "*A managing general agent includes a person with authority to appoint and to terminate the appointment of an agent for an insurer.*

*3.*".

Amend sec. 44, page 15, line 7, after "*all*" by inserting: "*or part of*".

Amend sec. 44, page 15, line 10, by deleting the period and inserting: "*or the profit of the business written.*".

Amend the bill as a whole by adding a new section designated sec. 46.5, following sec. 46, to read as follows:

"Sec. 46.5. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. If a policyholder requests information for the renewal of his policy, an insurer shall provide to the policyholder information regarding claims paid on behalf of the policyholder. The information must be provided within 30 working days after the insurer receives a written request from the policyholder. The insurer may charge the policyholder a reasonable fee for the information.*

*2. The commissioner may adopt regulations to carry out the provisions of subsection 1.*".

Amend the bill as a whole by deleting sections 50 through 60 and inserting:

"Secs. 50-60. (Deleted by amendment.)".

Amend sec. 61, page 23, line 24, by deleting "*$10,000,000*" and inserting "*$3,000,000*".

Amend sec. 61, page 23, by deleting lines 27 through 30 and inserting: "*to assume, except if the reinsurance is required by law or regulation.*".

Amend sec. 67, page 25, by deleting line 24.

Amend sec. 67, page 25, line 25, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 67, page 25, line 26, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 67, page 25, by deleting line 28 and inserting:

"*(d) Management and agency contracts executed on or after January 1, 1992; and*".

Amend sec. 67, page 25, line 29, by deleting "*(f)*" and inserting "*(e)*".

Amend sec. 70, page 26, by deleting line 21 and inserting:

"Sec. 70. The amendatory provisions of section 45 of this act become effective:

1. On January 1, 1994, for surplus lines insurers that are eligible to accept surplus lines risks on October 1, 1991; and

2. On October 1, 1991, for all other insurers.".

Amend the title of the bill to read as follows:

"An Act relating to insurance companies; making various changes concerning the financial regulation of insurance companies by the insurance division of the department of commerce; requiring certain insurers to file financial statements annually; increasing the required amounts of capital stock, basic surplus and free surplus for certain insurers; clarifying the definition of managing general agent; prohibiting certain insurers from assuming reinsurance; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 160.

Bill read second time and ordered to third reading.

Senate Bill No. 324.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1323.

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

"Sec. 2. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon the filing of the petition, the officer with whom the petition is filed shall cause publication of a notice of a hearing on the petition by the district court in and for the appropriate county at a time and place fixed by the district court, which shall give priority to the petition over all but criminal matters [.] *and shall set the hearing for a date no later than 30 days after the filing of the petition.*

2. If the officer against whom the petition is filed is a:

(a) State officer who is elected statewide, the hearing on the petition must be held by the first judicial district court.

(b) District officer whose district includes area in more than one county, the hearing on the petition must be held in the district court for the county in which the largest population of the district is located.

The notice must be published once in a newspaper of general circulation in the appropriate county or, if the officer is a state officer who is elected statewide, in each county of the state. The notice must contain the names of the signers of the petition and the reasons for the proposed recall. [Any

person whose name appears on the petition as a signer may appear at the hearing and request that his name be stricken from the petition, and the court shall strike his name if good cause appears therefor.]

3. At the conclusion of the hearing, the court shall make a determination of the sufficiency and validity of the petition within 5 days, and shall instruct the officer with whom the petition is filed either to cease any further proceedings in the matter or, if the officer against whom the petition was filed has not resigned, to issue a call, not sooner than 10 days nor more than 20 days after the date of the order, for a special election to be held in the state, or in the county, district or municipality electing the officer against whom the petition was filed, to determine whether the people will recall him.

Sec. 3. This act becomes effective on July 1, 1991.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 535.

Bill read second time and ordered to third reading.

Senate Bill No. 607.

Bill read second time and ordered to third reading.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:29 p.m.

## ASSEMBLY IN SESSION

At 2:10 p.m.

Mr. Speaker presiding.

Quorum present.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1097.

Amend sec. 7, page 8, line 21, by deleting "*subsection 2:*" and inserting: "*subsections 2 and 3:*".

Amend sec. 7, page 8, line 24, by deleting "*1991-1992*" and inserting "*immediately preceding*".

Amend sec. 7, page 8, line 34, by deleting: "*be one-twelfth of*" and inserting: "*not be less than*".

Amend sec. 7, page 8, line 36, after "*distribute*" by inserting: "*an amount determined by:*

*(1) Apportioning*".

Amend sec. 7, page 8, line 41, by deleting "*paragraph.*" and inserting: "*paragraph;*

*(2) Increasing the amounts determined pursuant to subparagraph (1) for:*

*(I) Clark County by $1,804; and*

*(II) Washoe County by $333,954; and*

*(3) Decreasing the amounts determined pursuant to subparagraph (1) for:*

*(I) Carson City by $57,113;*

*(II) Churchill County by $56,681;*

*(III) Elko County by $133,738;*

*(IV) Humboldt County by $84,092; and*

*(V) Lander County by $4,134.*".

Amend sec. 7, page 9, lines 9 and 10, by deleting: "revenue":

(a) Of" and inserting: "revenue" [:

(a) Of] *of*".

Amend sec. 7, page 9, line 13, by deleting "and" and inserting ", [and".

Amend sec. 7, page 9, line 15, by deleting "factor," and inserting "factor,]".

Amend sec. 7, page 9, line 19, by deleting "(1)" and inserting "[(1)] *(a)*".

Amend sec. 7, page 9, line 23, by deleting "(2)" and inserting "[(2)] *(b)*".

Amend sec. 7, page 9, line 26, by deleting "(b)" and inserting "[(b)".

Amend sec. 7, page 9, line 30, by deleting the open bracket.

Amend sec. 22, page 23, line 4, by deleting "month make" and inserting: "month:

1. Make".

Amend sec. 22, page 23, between lines 18 and 19 by inserting:

"2. In lieu of the distributions required by paragraph (b) of subsection 1 of NRS 377.057, as amended by this act, distribute an amount determined by:

(a) Apportioning the amount remaining after the distributions required by subsection 1 to the other counties in the proportion that the amount of supplemental city-county relief tax collected in the county for the month bears to the total amount of supplemental city-county relief tax collected for the month in the counties whose distribution will be determined pursuant to this subsection;

(b) Increasing the amounts determined pursuant to paragraph (a) for:

(1) Clark County by $902; and

(2) Washoe County by $166,977; and

(c) Decreasing the amounts determined pursuant to paragraph (a) for:

(1) Carson City by $28,557;

(2) Churchill County by $28,341;

(3) Elko County by $66,869;
(4) Humboldt County by $42,046; and
(5) Lander County by $2,067.".

Amend the bill as a whole by adding a new section designated section 24.5, following sec. 24, to read as follows:

"Sec. 24.5. The adjustments of the distribution of the proceeds of the supplemental city-county relief tax required by sections 23 and 24 of this act must be excluded from the amount distributed in the immediately preceding year for the purposes of calculating the amount to be distributed in the following year pursuant to paragraph (a) of subsection 1 of NRS 377.057.".

Amend the bill as a whole by deleting sections 27 through 34 and adding new sections designated sections 27 through 34, following sec. 26, to read as follows:

"Sec. 27. Sections 27 to 33.6, inclusive, of this act constitute the Local Government Tax Act of 1991.

Sec. 28. 1. A tax distribution fund must be created in the state treasury for each county that imposes a tax pursuant to any of the provisions of sections 29 to 33, inclusive, of this act.

2. All interest and income earned on the money in the fund must be credited to the fund after deducting any applicable charges.

3. The state controller shall distribute the money in the fund monthly among the several local governments in the county that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax, including the county, in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all these local governments.

4. As used in this section, "basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.

Sec. 29. 1. Except as otherwise provided in section 33.4 of this act and in addition to all other sales and use taxes, the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 1/4 of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county.

2. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. The ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those of the Local School Support Tax Law, insofar as applicable.

(b) A provision that all amendments to the provisions of the Local School Support Tax Law subsequent to the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of the ordinance enacted pursuant to subsection 1.

(c) A provision that the county shall contract before the effective date of the ordinance enacted pursuant to subsection 1 with the department to perform all functions incident to the administration or operation of the tax imposed pursuant to subsection 1.

4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the county under this section must be paid to the department of taxation in the form of remittances made payable to the department of taxation.

5. The department of taxation shall deposit the payments with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 30. 1. Except as otherwise provided in section 33.4 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a special privilege tax of 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the motor vehicle privilege tax pursuant to this chapter; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles and public safety shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section "based" has the meaning ascribed to it in NRS 482.011.

Sec. 31. 1. Except as otherwise provided in section 33.4 of this act, notwithstanding the provisions of NRS 463.395 and in addition to all other fees and taxes imposed on gaming, the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a license fee for conducting, carrying on or operating any gambling game, slot machine or other game of chance.

2. The total amount of revenue estimated to result for any fiscal year from the imposition of a license fee pursuant to the provisions of this section must not exceed the total amount of revenue estimated to result for the same year from the imposition of all taxes imposed in the county pursuant to sections 29 to 33, inclusive, of this act, multiplied by a fraction, the numerator of which is the total gaming license fees collected by all local governments in the county, including the county, for the fiscal year 1990-1991, and the denominator of which is the general fund revenues of the county and any incorporated cities in the county for the fiscal year 1990-1991.

3. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

4. The proceeds of the tax imposed pursuant to this section must be deposited with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 32. 1. Except as otherwise provided in section 33.4 of this act and in addition to all other taxes imposed on transfers of real property, the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 10 cents for each $500 of value or fraction thereof on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining on the interest of property at the time of sale, exceeds $100. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

2. The ordinance imposing the tax must include:

(a) Provisions substantially identical to those contained in chapter 375 of NRS, insofar as applicable; and

(b) A provision that all amendments to chapter 375 of NRS after the date of enactment of the ordinance, not inconsistent with the chapter, automatically become a part of the ordinance imposing the tax.

3. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

4. The proceeds of the tax must be deposited with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 33. 1. Except as otherwise provided in section 33.4 of this act, the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City may levy a tax ad valorem on the assessed valuation of all taxable property in the county.

2. The provisions of NRS 354.59811 do not apply to a tax levied pursuant to the provisions of this section and the tax must not be considered in determining the allowed revenue from taxes ad valorem for the county or any local government therein.

3. Notwithstanding the provisions of NRS 279.676, no portion of the taxes imposed pursuant to this section may be distributed to a redevelopment agency.

4. The county treasurer shall deposit the proceeds of the tax levied pursuant to the provisions of this section monthly with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 33.2. 1. As soon as practicable after the effective date of this act, the executive director of the department of taxation shall make an estimate of:

(a) The difference between the total amount of revenue from the proceeds of the supplemental city-county relief tax that would be distributed to the local governments in Carson City and Churchill, Elko, Humboldt and

Lander counties, including the county, without the reductions required by the provisions of paragraph (c) of subsection 2 of section 22 of this act for fiscal year 1991-1992 and paragraph (c) of subsection 1 of NRS 377.057 for fiscal years 1992-1993 and 1993-1994 and the total amount of that revenue that will be distributed with the reduction required by those provisions;

(b) The difference between the total amount of revenue from the proceeds of the supplemental city-county relief tax that would be distributed to the local governments in Washoe County, including the county, without the provisions of this act for the fiscal years 1991-1992, 1992-1993 and 1993-1994 and the total amount of that revenue that actually will be distributed to the county; and

(c) The amount of proceeds that would be derived from each of the taxes imposed pursuant to sections 29 to 32, inclusive, of this act, if those taxes were imposed at the maximum authorized rates.

2. The department of taxation shall provide to the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City, any additional estimate that is requested by the board and necessary to carry out the provisions of this act.

Sec. 33.4. The governing body of any county in which one or more of the taxes authorized by sections 29 to 33, inclusive, of this act have been or will be imposed:

1. Shall, on or before September 1, 1991, adopt a plan to replace the reduction in the amount of proceeds of the supplemental city-county relief tax estimated for that county pursuant to paragraph (a) or (b) of subsection 1 of section 33.2 of this act for fiscal years 1991-1992, 1992-1993 and 1993-1994. The plans may include one or more of the taxes authorized by sections 29 to 33, inclusive, of this act, but the total amount of revenue estimated to result from the imposition of all taxes imposed pursuant to sections 29 to 33, inclusive, of this act must not exceed the estimate made by the department of taxation of the reduction in the amount of proceeds of the supplemental city-county relief tax estimated for that county pursuant to paragraph (a) or (b) of subsection 1 of section 33.2 of this act for the fiscal year during which the plan is to be in effect.

2. Shall fully implement the plan adopted pursuant to subsection 1 for fiscal year 1991-1992 on or before October 1, 1991.

3. May revise the plans adopted pursuant to subsection 1 for the fiscal years 1992-1993 and 1993-1994 on or before the June 30 immediately preceding the fiscal year during which the plan is to be in effect.

4. Shall not, after June 30, 1994:

(a) Except as otherwise provided in subsection 5, decrease any of the taxes imposed pursuant to sections 29 to 33, inclusive, of this act unless all of the local governments that are entitled to receive a monthly distribution from the tax distribution fund for the county agree to the decrease.

(b) Increase the rate of any tax imposed pursuant to sections 29 to 33, inclusive, of this act.

5. If necessary to avoid violating the provisions of subsection 2 of section 31 of this act, the governing body of the county shall reduce the

amount of the license fee imposed pursuant to section 31 of this act by the minimum amount necessary to comply with the provisions of subsection 2 of section 31 of this act.

Sec. 33.6. 1. On or before May 31, 1994, the department of taxation shall make an estimate of the total amount of proceeds that will be derived in Washoe County from each of the taxes imposed pursuant to sections 29 to 33, inclusive, of this act in fiscal year 1994-1995.

2. On or before June 30, 1994, using the estimate prepared pursuant to subsection 1, the board of county commissioners of Washoe County shall reduce the rate of one or more of the taxes imposed pursuant to this act if necessary to maintain the estimated revenue from all taxes imposed pursuant to sections 29 to 33, inclusive, of this act at or below an amount equal to $3,366,720 less than the amount determined for the fiscal year 1993-1994 pursuant to paragraph (b) of subsection 1 of section 33.2 of this act.

Sec. 34. 1. The department of taxation shall provide estimates of the amount by which the proceeds from the supplemental city-county relief tax that will be distributed pursuant to the provisions of this act for any local government in any fiscal year will exceed the amount that it would have received without the provisions of this act in the same fiscal year.

2. Using the estimates provided by the department of taxation pursuant to subsection 1, the governing body of each local government that will receive more proceeds from the supplemental city-county relief tax pursuant to the provisions of this act in any fiscal year than it would have received without the provisions of this act in the same fiscal year shall hold a public hearing on the use of the additional proceeds before any portion of the additional proceeds is expended.

3. The governing body shall publish notice of the hearing not less than 5 nor more than 10 days before the date of the hearing in a newspaper of general circulation in the county. The notice must be at least equal in size to one-quarter of the size of a normal newspaper page and must include:

(a) The date, time and location of the hearing;

(b) The amount of additional revenue resulting from the provisions of this act;

(c) The effect upon property tax rates if the additional revenue stated pursuant to paragraph (b) were used to reduce property taxes; and

(d) The proposed use of the money.".

Amend sec. 38, page 28, by deleting line 26 and inserting:

"Sec. 38. 1. Section 17 of this act becomes effective on July 1, 1991.

2. This section and all remaining sections of this act become effective upon passage and approval.".

Amend the bill as a whole by deleting the preamble and adding a new preamble, preceding the enacting clause, to read as follows:

"WHEREAS, In 1981, the Nevada Legislature substantially revised the laws governing the financial structure of the local governments of this state; and

WHEREAS, As part of that revision the supplemental city-county relief tax was imposed at the rate of 1.75 percent of taxable sales and a formula was enacted which allocated the revenue from that tax among the local governments; and

WHEREAS, The amount of property taxes that each local government was allowed to receive was reduced by an amount equal to the amount of revenue from the supplemental city-county relief tax that was allocated to that local government; and

WHEREAS, Various other controls were also instituted that limited the amount of revenue which could be received by a local government; and

WHEREAS, The formula for the distribution of the supplemental city-county relief tax was based upon the replacement of equal amounts of property tax revenue and did not attempt to return a particular portion of the proceeds of the sales and use tax to the area in which they were collected; and

WHEREAS, This legislature hereby finds and determines that it is more equitable to distribute the revenue from the supplemental city-county relief tax to the counties in which it was collected and to counties in which the persons who pay the tax may reside; and

WHEREAS, The changes in the formula to accomplish the new goals necessitate changes that are different for each county and will cause shortfalls in revenue in some medium-sized counties which must be made up with new tax revenue; and

WHEREAS, It is in the best interests of this state to continue to limit the total revenues received by local governments and therefore it is necessary to authorize new taxes only for certain medium-sized counties to retain the balance and ensure equity and fairness in taxation throughout the state; and

WHEREAS, The legislature finds and declares that a general law cannot be made applicable to the situation because of the economic diversity of the local governments of this state, the unusual growth patterns in certain of those local governments and the special conditions experienced in certain counties related to the need to provide basic services; now, therefore,".

Amend the title of the bill, fifth line, by deleting "Washoe County" and inserting "certain counties".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Price, Johnson, Carpenter, McGinness, Marvel, Stout, Sader, Giunchigliani and Elliott.

Assemblyman Wong requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Amendment No. 1097, to A.B. No. 104, is the product of your committee. Some of it I shared with you the other day. A major, and a very important part had to do with the flow chart that I put on your desk that provides the mechanism for Washoe County, who is the most obviously, the impacted county, to be able to look at various options for raising taxes to make up for their loss. The impact of this particular version that you are looking at, will be some $13,924,000 to Washoe County. As you will recall, the various plans that you've heard talked about in the newspaper, and the reports back from your committee, and so forth, have ranged all the way from actually $27

million down to $3 million and back and forth. The amendment sets up how they will regain, or at least the options that they have for regaining the money and the distribution that will be made among the various counties. There are provisons in there that require, they are not a "shall," that require the county commissioners to hold public hearings, noticed, so that the citizenry will have an opportunity to come and speak their mind as to what various combination and/or perhaps reducing budgets, or whatever the case may be, but the citizen will have ample opportunity for input into the decisions that will be made by the county commissioners.

It is structured so that the county commissioners will, in fact, make the decisions, but the money will eventually flow back to all of the affected districts—the various cities, the special districts, and so forth. I think I'll take questions if there are any.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. The question that I have is the basis for this reallocation. Does this take into account the legal, legislative, statutory statement of the taxes collected in the county or is it some arbitrary, other basis of taxes allocated to the county?

ASSEMBLYMAN PRICE:

I certainly need not tell you, because we've all been reading about it in the paper, that there has been much discussion as to the collection and the allocation method over the last 10 years. This particular plan is based on the formula that has been used for the last 10 years, the SCCRT formula, and it would continue that on. There, as you have read in the paper and we have discussed at different times, there are other types of formulas that, in fact, you can do anything you want to when you are dealing with formulas and dollars. This particular bill, which was the judgment of your committee, at least the majority, which by the way didn't include myself, but I want to present it fairly. This particular amendent to the bill is figuring everything based on the SCCRT formula as it has been in effect for the last 10 years. It does not follow the other formula that we have talked about, the LSST, and all the other things. The judgment was to continue with the formula that we have used.

ASSEMBLYMAN JOHNSON:

I take it then that the tax is an adjusted formula. As you say you can do a lot of things to the adjustment of the formula, but I was questioning about the basis. My understanding is that the basis is not upon total sales taxes that are collected in the county, but upon some adjusted basis thereof.

ASSEMBLYMAN PRICE:

I don't think I can say anymore than I have. It is based on the exact same formula that we have been using, and there has been, understandably so, suggestions and recommendations and good arguments made, or arguments made I should say to change the formula because of exportation of people coming in and buying a piece of equipment, and having it registered outside the Washoe County area, and so forth. But this is the same formula that has been in place for 10 years.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. To you, and through you to my colleague from southern Nevada. Does this amendment provide that five rural counties would pay approximately $4 million per year to Washoe?

ASSEMBLYMAN PRICE:

Yes. Thank you, Mr. Speaker. I will be exact in the Washoe adjustment. To the detriment of Carson City, using, and when I use the word "detriment," I wish to qualify that as compared to the original A.B. No. 104 amended and so forth. Using that as the baseline, the loss to Carson City will be $685,356; from Churchill County, $680,168; it will benefit Clark County $21,647; it will be to the detriment of Elko to the figure of $1,604,854; to Humboldt County, $1,009,107; and to Lander County, $49,606. Now, let me qualify, because the arguments are made on both sides, the counties that I have just mentioned, with the exception of Lander, what it really represents, what it does in fact represent, is under the other plan, they would have received this much more dollars. And, I don't want to debate—I took my vote on this and I indicated, I opposed it, but I do want

to try and explain the whole thing properly. So, those counties will not be going negative, but for the most part those are counties who, during the past 10 years, have been exporting dollars, I think I want to say $27 million, I'm really going off the top of my head now, from here in Carson and, anyway, millions of dollars that have been exported, including Clark County, of course, exported to the rest of the state, of which the majority of those dollars did, in fact, end up in taxing districts in Washoe County. And that is the very tough situation that Washoe County is going to have to deal with, because under any of the scenarios that we have talked about, once you go back to whatever you want to call it, "fair share," or "raising the dollars and supporting yourself in your county," or whatever, no matter what you call it or how we work it, it will, it is going to mean that the citizens in Washoe County are either going to have to reduce services, probably beyond the level that I could imagine they could do, or they're going to have to use some of the options that we have provided for them.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. I'm going to have to speak against Amendment No. 1097 to A.B. No. 104. A couple of the counties that I represent, Churchill and Lander counties, are going to be drastically affected by this. Churchill County officials have represented to me in the last 10 years that we've exported $4.58 million, and for a county of about 18,900 people, that is a lot of money. We could have used that to lower taxes, build roads, or maybe even build an administration office so that we could move out of that converted Baptist church that was donated to us. I think fair share has to be fair to all of us, and the rurals have to be included. The path of least resistance was taken in this process, and that path was out in the rural counties. Churchill County would be better served under the original version of A.B. No. 104, where 97 percent of the taxes originated in that county would be returned to that county. Under this amendment, we get back 73 percent. I think that just continues the problem we've been having. I support the change in the formula, because I think it will put everybody back where they should be.

It's also been represented to me that the ability to go out and raise those additional taxes is out there; you can go to the people. I think that's kind of like a mugger mugging you on Saturday night, but telling you I'm going to let you live so you can go back to work on Monday morning.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in opposition to the amendment for the reasons stated by my colleague from Fallon. Humboldt County is one of the major counties in my district, and it will only receive back 74.5 percent, and it loses over $1 million from the original version. Plus the fact Lander County, which I partially represent along with Mr. McGinness, will be left in somewhat of a vacuum in the event that they lose their exporting status, there would be absolutely no guarantee of being held harmless. So, those are the reasons I will also have to oppose it.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I, too, rise in opposition to this amendment. I voted against it in the committee, and for the reasons that have been stated. But I also want to remind people that there wasn't a lot of evidence presented to change the formula from the original that we discussed early on, that held the small counties as previously done. It was an idea that was presented to make it so that it wasn't that difficult on Washoe, and I think that since we're talking about the taxes that were imported and exported from various counties, that the original was the right way to go, and I think this amendment is the wrong way to go.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in support of Amendment No. 1097. I'd just like to make a couple of quick points. Those of us in Washoe County, from Washoe County, look at this whole fair share issue as not fair at all. We'll explain that more fully on General File. But, the legality of financing in this state, is that the urban counties support the rural counties in many, many ways, in many of the tax schemes through the distribution of generation and support and distribution. The fallacy of this whole argument is to take one particular tax, and analyze how it's generated and how it's distributed and call that fair,

without looking at all the other taxes. And this particular amendment beautifully illustrates that because there are many ways that Washoe County, as well as Clark County, supports the rural counties in the distribution of revenues coming out of the urban areas. The second point I want to make is that this whole fair share issue, while you may conceptually organize it in your own mind and intellectualize the fairness, as you go through the argument, this whole issue is devastating for Washoe County. The amount of reduction in services or increase in taxes for one county to bear the full load of this is very, very difficult. This amendment, at least, reduces that burden to some extent.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I have a question to you and through you to the Chairman of Taxation. My question is, I believe, and I don't have my document with me, I'd like to know exactly under this amendment how much Clark County will return, and the five counties that you noted. Under this amendment, how much Clark County will receive along with Churchill?

ASSEMBLYMAN PRICE:

Under this particular amendment here, Carson City, and I'll start with Carson City, would be losing the $600+ thousand. They would, in fact, be receiving $7,311,253.

MR. SPEAKER:

They'd have a gain over what they're getting now?

ASSEMBLYMAN PRICE:

Yes. We're talking gains over what they are getting now. And in each of those cases, in Churchill it's a little over $2 million. In Clark County, I think I'm reading from the wrong line, wait a minute, let me back off. Let me back off. I'm going to start again. Carson City would receive an additional, above what they receive now, $883,936. Churchill would receive $28,780. Clark will receive $8.9 million. Elko will receive $2.9 million, and Humboldt will receive $319,000, and the rest of the counties zero out and it will be to the detriment of Washoe County at $13,183,924.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1097. In Elko County we have been contributing to the other counties ever since the inception of the plan that was implemented in 1980. We first started out collecting 80 percent of our taxes. In the last two or three years, we have got down to less than 50 percent—44 percent. Our county government has not been able to keep up with the demand. We have a double whammy in Elko County. The people live in our county, but they work in Eureka County and Eureka County gets the benefit of the large industrial tax base. So, it's up to Elko County to provide those services. Our population has almost doubled in the last five years, yet we've been able to only put on our county forces about 8 percent more people. The people that we've been able to put on, and the extra money that we have been able to gain, we've had to put in the area of law enforcement and judicial, because that's where the big, immediate problem is. When you have a doubling of your population in construction workers, they hit you hard, and you've got to keep law and order. So, that's what we've had to do in Elko County. Our libraries, services like this, have just, you might say, gone to pot. In Elko County, we have no parks, we have no welfare, only what the state mandates. Elko is a conservative county. When we went into this, we had the lowest tax rate of any county in the State of Nevada, and when we were getting the 80 percent back, we were able to make do. But now, we cannot, and to continue to take another $1.6 million from our county I don't think is fair. We know it's a big hit on Washoe County. But we are willing to pay our share to help Washoe County during the initial stages of this situation. Under A.B. No. 104, as it's presently written, Elko County would be giving up $2+ million, to help Washoe, and we're glad to do that, because we understand what it is to have to reduce your services. But I think it must be remembered that Washoe County is a large county. Even under the current situation that they recommend, they're getting $34 per capita more than we are. They're getting almost over $100 more than Churchill County is. And I think this is what counts, because you have to pay for services on a per capita basis. We feel that 104 as it's presenty written, without this amendment, is a fair way to go. In addition to the

$4 million that the five rural counties would be giving, we also would be giving approximately another $788,000 to help our other rural neighbors remain whole, and we don't mind that. We know that we have to do that. So, Clark County would be contributing about $5 million to the other rural counties to keep them whole. Our other five rural counties would be putting up approximately $800,000. So, we really feel that this amendment is not fair, but we're willing to do our share, but not forever, to help Washoe County over this phase-in period.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. Through you and to you, I'd like to ask the Chairman of the Taxation Committee what this export means. Can you define the meaning of "export" for me?

ASSEMBLYMAN PRICE:

Thank you. In the concept of the formula that has been used for 10 years, it talks about sales tax dollars that are raised in a particular county, and in the five counties that are majorly affected here, the money is sent to—at least a portion of the money—is sent throughout the state to help what normally might be thought of as the least fortunate counties. The formula with respect to Washoe County, I must tell you, has done, and it worked pretty well for about the first five years, I would say, or six years, as it was designed to. It was initially designed to help counties, cities and taxing districts to replace money that was taken away from them when the tax shift came about, and the property tax was reduced so much in 1981. Under the formula as it works now, those areas—and certainly Elko, Las Vegas, Carson City, Douglas has kind of gone back and forth—those areas that have strong economy with good sales tax, lots of growth and so forth, obviously raise more sales tax dollars per capita than those counties who choose the policy of no growth or slow growth, as Washoe County has over the years. I don't have to tell you that that's a very hot political issue. But, to some small degree, not totally, it can be said that you can afford to have slow growth or no growth if someone else is shipping money into the county to help maintain those necessary items. Now these are all debatable things, certainly good debates on both sides. But, as I view it, I and my colleagues, there's probably four or five of us and Mr. Speaker, were here and debating this 10 years ago, but export simply means raising money, SCCRT money, which is 1¾ cent of our sales tax, raising money in one area and part of it being sent to another area to help finance their needs.

ASSEMBLYMAN ELLIOTT:

Through you to chairman of the Taxation Committee, I'm still a little confused. I guess what I'll try to do is walk this through for my own edification, and if I'm incorrect with this, if you'll, if you would correct me. As I understand it, the way the present SCCRT works is that if somebody in Mr. Carpenter's territory out there in the north forty, east forty, were to buy a piece of equipment in Washoe County or in Reno, because there's no particular vendor for that piece of equipment in Reno, then the sales tax on that is applied in Reno. However, should that person take delivery, in other words a window through, it follows the person, if that person takes delivery of that piece of equipment in Reno, the sales tax would then become a part of Washoe County's factor. However, if the person were to take delivery of that piece of equipment in Elko, then the Elko resident that took delivery that's where the tax money would be sent to. Is that correct? The window follows the purchaser, so the tax money . . .

ASSEMBLYMAN PRICE:

The registration in some cases. There is an argument to be made, and you are correct, that there are some areas where the sales could be made in Washoe or made in Clark, but it might, depending on the bookkeeping system of who is doing it, and registration and so forth, show up in another county.

ASSEMBLYMAN ELLIOTT:

So, Mr. Speaker, may I continue? So, if somebody in Lovelock, where there doesn't exist any of these vendors, comes to Reno and buys that and forgets to say, "Hey, send this tax money over to Lovelock, by the way," then the accounting system in Reno or

anywhere else in the state, Clark County included, would automatically apply that sales tax to that entity, which it might be, in this case, it could be and, in fact, it probably has been, Washoe County because the system works here. This is where the vendors are, as well as your other large counties in the state. Is that correct?

ASSEMBLYMAN PRICE:

Same scenario that you're talking about is the potential, and you will hear some complaints from Washoe County, from Douglas County, who a lot of people come over here to shop and various other things, that the potential for what you are saying is correct.

ASSEMBLYMAN ELLIOTT:

So, the real culprit here is not only the formula, but the citizens who are forced to go somewhere else to buy their goods. Is that right?

ASSEMBLYMAN PRICE:

I don't know if you would—I would hesitate to call it a "culprit." Let me say that you can—our money people, the money crunchers—the figure crunchers—can design any type of a distribution system that we ask them to. And as was indicated by our distinguished Chairman of Judiciary, we do, in fact, use various scenarios, various formulas, for different parts of the tax plan of our state. And it has, as a matter of fact, been suggested—and I think a very good suggestion—in committee, that perhaps that in itself should be a subject matter for an interim study during this next period. But, whether it's fair, a culprit, or anything else, it truly is in the eyes of the beholder. The only thing that I can tell you is that the figures that you are looking at here are calculated on the exact same formula that has been used for 10 years. And there certainly were arguments made to change the formula in figuring these and so forth, but that was not what came out of your committee.

ASSEMBLYMAN ELLIOTT:

So, we're basically penalizing the county because people come here in a region from all over the state to buy things and the sales tax accrues here, but now that particular county is guilty for applying a formula that was set in 1981, and they did it in no different way or different from any other county?

ASSEMBLYMAN PRICE:

No guilt, and I don't think anyone should characterize Washoe County as being guilty. I think, as I've indicated, it is simply a method that has been used for this particular tax for 10 years and it's one of several methods that are used in different things, and the figures are before you. And I do not choose to say—and I particularly but I do choose to say that we cannot characterize Washoe County as having done anything wrong. They have done exactly what the law said. However, in the opinion of some people, the formula worked for a number of years, and then due to the rush in gold mines, the discovery of the new methods of doing gold and the tremendous growth in Las Vegas and some other areas, it became—some of us felt that it needed to be changed.

Assemblymen Porter, Arberry and Garner moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1097 to Assembly Bill No. 104.

Assemblymen Marvel, Gibbons and Carpenter requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—24.

NAYS—Bayley, Carpenter, Gibbons, Goetting, Gregory, Hardy, Heller, Little, McGaughey, McGinness, Marvel, Pettyjohn, Price, Scherer, Spitler, Stout, Wong, Mr. Speaker—18.

The amendment having received a majority, Mr. Speaker declared it adopted.

The following amendment was proposed by Assemblyman Heller:

Amendment No. 1098.

Amend sec. 7, page 11, between lines 5 and 6 by inserting:

"*10. For the fiscal year 1991-1992, the revenue required by the approved final budget of each local government in the following counties that is eligible to receive a portion of the proceeds of the supplemental city-county relief tax, including the county, must be reduced by a portion of the following amount listed for the county in which the local government is located in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all the local governments in the county:*

| | |
|---|---|
| *Carson City* | *$353,575* |
| *Clark* | *3,593,498* |
| *Elko* | *1,187,096* |
| *Humboldt* | *127,890* |

*11. For the fiscal year 1992-1993 and each fiscal year thereafter, the revenue required by the approved final budget of each local government in the following counties that is eligible to receive a portion of the proceeds of the supplemental city-county relief tax, including the county, must be reduced by a portion of the following amount listed for the county in which the local government is located in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all the local governments in the county:*

| | |
|---|---|
| *Carson City* | *$707,149* |
| *Clark* | *7,186,995* |
| *Elko* | *2,374,192* |
| *Humboldt* | *255,780* |

*12. The tax rate necessary to produce the revenue required by the approved final budget of each local government whose required revenue is reduced by subsections 10 and 11 must be correspondingly reduced.*

*13. Any reduction in revenue from taxes ad valorem required by subsections 10 and 11 must not affect the allowed revenue from taxes ad valorem in subsequent years.*".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. 1. For the fiscal years 1991-1992 and 1992-1993, the following amount for each county must be subtracted from the allowed revenue from taxes ad valorem of the local governments in the county that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax, including the county, in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all these local governments:

| | |
|---|---|
| Carson City | $353,575 |
| Clark | 3,593,498 |
| Elko | 1,187,096 |
| Humboldt | 127,890 |

2. The decreases made in each of the fiscal years pursuant to subsection 1 are cumulative and must be included in the basis for the calculation of the allowed revenue from taxes ad valorem in all future years.

3. As used in this section, "basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.".

Amend the title of the bill, fourth line, after the semicolon, by inserting: "requiring a decrease in the actual and allowed revenue from taxes ad valorem of certain local governments;".

Assemblyman Heller moved the adoption of the amendment.

Remarks by Assemblymen Heller, Myrna Williams, Gregory, Price and Petrak.

Assemblyman Wong requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I move for the adoption of Amendment No. 1098 to Assembly Bill No. 104. I am assured that the majority of the people here in this room understand what this amendment does, but I'll go through it briefly.

Basically, what it does is take those counties that receive a windfall of new taxes—those counties include Carson City, Clark, Elko and Humboldt. What it does is divide this windfall up from 80/20—80 percent going to the taxpayer as a reduction in property tax and 20 percent going to the counties to use at their discretion in their budgets. Some people question why sales tax dollars would go to property tax dollars, and I guess that's just simply an understanding of local government finances, simply being that there's two major sources of revenue into these counties, one of them being sales tax and the other being property tax. Those counties that are currently exporters are subsidizing on the backs of property tax holders their revenues so that their particular county can function. My effort in this particular amendment is to say that those counties that are receiving a windfall of new sales taxes would then proportionately give back to the property tax owners that are currently subsidizing a reduction that is comparable. Mr. Speaker, can I go to Order of Business 15?

Thank you, Mr. Speaker. Last year, as a first-time candidate for the Nevada Assembly, I made a commitment to listen, to learn and to then represent the constituents of Assembly District 40. As a freshman, there is much to learn about procedures, public policy, as well as legislative politics, and it is my good fortune that I am able to live and work in Carson City both to represent and reside at the same time in the same place. This unique context has afforded me an opportunity on weekends to walk various neighborhoods and to hear the concerns, as well as the reactions, to specific legislative issues during the session. I must say, parenthetically, that on several occasions various assembly colleagues have expressed their regret that geographical logistics prevent them from such an opporunity for such interaction with their constituencies. These walks are important because they assist me in evaluating what I hear in the legislative halls as compared to what I hear in the neighborhoods, and all too frequently, but yet with justification, numerous constituents define politics in the same tenor as did Ambrose Bierce when he said, "The conduct of public affairs for private advantage." It is my hope, as members of the assembly, that we can today successfully challenge this view. My purpose in proposing this amendment, which I might add, was in the original bill, is to return some monies where we can this session to taxpayers for a change rather than to local governments. My additional purpose is also to try to help us address the widely held view that the legislature is too often seen just as an affair with another organized interest, even the intensely organized interest of local governments. It is my obligation, therefore, to ask you to take a special note that in the original bill, Section 3, subsection 9 stated, "The Department of Taxation shall reduce each local government's allowed revenues from taxes ad valorem in the next fiscal year following the receipt of any new revenues." Why, during the legislative process of this bill, was this language deleted? Why do the taxpayers become a secondary concern while

some local governments become the primary concern? Is there a relationship with the deletion of this language and an army of local bureaucrats and local governmental lobbyists storming the halls of this legislature? Do many of our constituents have Bierce's view of politics because voters accurately envision the legislative process to include publicly-funded individuals working to pigeonhole members of this assembly to vote against returning any tax monies to the taxpayers? It is possible that local, well-meaning government bureaucrats are viewed by an increasing number of our constituents as simply self-serving, i.e., seeking advantage at the expense of public service. These, in my opinion, are some of the right questions. Admittedly, these are some tough questions. These are the questions, I suspect, our public is waiting for us to ask and to answer this session. Few of our constituents are ever in these legislative halls, they are too busy with the work of life, including the work of paying taxes. They know, however, we as members of the assembly work and live in an isolated and insulated environment, especially as the session continues to lengthen day by day. Most of the people who voted for or against this hold the view that we are to withstand the pressures for and the temptations of governmental excesses. Nevadans have a belief that our purpose, as members of the assembly, is to represent people, not government. It was Thomas Jefferson who said in 1824, "People by their constitution are naturally divided into two parties, those who fear and distrust the people and wish to draw all powers from them, and those who identify themselves with the people and have confidence in them." By introducing this amendment, I have placed myself amongst the latter party. I have confidence in the people that I represent, and I would hope that you would show your constituents that you do too by supporting this amendment.

I have a couple of letters that I have received I have received numerous letters and telephone calls around this state. I would like to read a couple of them to this body. "Dear Mr. Heller: In regard to your amendment to A.B. No. 104, I would like to think that you will remain strong in your convictions. Please, it is time we, the overburdened citizens, get a tax break. Sincerely, Ann Lindstrom," from Las Vegas. "Dear Mr. Heller: I am sorry to bother you at this very busy time, but I needed to write this letter. Your amendment to the "Fair Share" bill has been the center of focus both at work and home, and we applaud you for your efforts. Please stick to your guns and don't give up. The taxpayers are counting on you. Sincerely, Helen Constanza" from Las Vegas, Nevada. My effort in this amendment is a philosophical question, and that philosophical question is who are we going to represent today, and we have two choices. We represent the government, the local governments, or we represent the people, and I choose the people.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to this amendment. Order of Business 15. First I would like to take exception to this being characterized as being a windfall. It's not. I also take exception to my colleague from Carson City's statement of representing the people and not local government. As far as I am concerned, local government is the people. I happen to live in a district that has the most apartments in the State of Nevada. Those people are the people that pay SCCRT. SCCRT is not property tax money. To give back money to help with local governments and make sure that only large property owners—I think the chairman of Taxation has a breakdown on who would receive the property tax break—is wrong. It's wrong, it's cheating hundreds of thousands of renters, it's cheating young families, it's cheating the people who need the services—the children, the seniors, the handicapped—the infrastructure needs of various counties who have not had enough money to take care of them. They finally have a chance because of the taxpayers who have been paying the taxes to pay for those services, the sales tax payers, that they finally have an opportunity to redress and assist them with some of the needs that have gone unmet in many of our counties, particularly the exporting counties. To suggest for one minute that local governments do not represent the people is specious, it does not speak well of us as citizens, we are the ones that elect local government. If we feel that local government is not representing us, we better change our local government. We better get out there and vote and change our local government. Now you may have that opinion. I think that my county represents me. I think that my county is looking to provide for a family court. I think that my county is overburdened in the area of indigent care. I know

that when I walk my district the people in the apartments need services, they need extra assistance with low cost or subsidized housing for seniors, and the county has a five-year waiting list. Those are the people that I think need to be helped. I do not think that the big business, the major property owners in this state, have the same needs, nor do they pay this money in. So, I rise in strong opposition to this amendment.

ASSEMBLYMAN GREGORY:

Thank you, Mr. Speaker. I rise in support of Amendment No. 1098, proposed by my colleague from Carson City. After the last speech from my colleague from District 10, I think I'll give my whole checkbook to the county, and let them spend all of my money for me. The issues are quite simple for me, Mr. Speaker. We all know that we have a budget shortfall of $297 million at this point—it could be higher—that we are going to have to fund. We all know that we are going to support major tax increases this session. This is the one chance that I have to vote to give some money back to the taxpayer. Yes, I've heard the argument that some large property owners will get more, and that's true. They paid more, but if I make a mistake voting to give some money back to the taxpayers, then I am sure my voters will let me know that in the next election. If I have a choice one time to vote for the taxpayer, for once I am going to do it. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I would like to congratulate my new young colleague from Carson City for certainly coming up with a popular—and what some might characterize as sexy—issue to bring before us today. By the way I would like to extend, pass on to you, thanks from the City of Los Angeles for the money that you will be saving them in this amendment. I have been called many things, from a populist to a weirdo. There are some in this hall today that have called me much worse that I won't mention, but I have always tried to be, as you characterized, a representative of the people. Over the years, I have tried, and certainly many times when it's not popular, with the information that I receive—particularly in the area of taxation—to be responsible and to try and make decisions that I know sometimes I might have to go home and account for. I'm sure this will be one of them. I think there are some things that should be said so that we all, regardless of our reasons, know what we are talking about and voting on today.

Two or three days ago, I asked our assessor in Clark County to make a list of the largest taxpayers in our county. There was one thing, by the way, that surprised me. I think it has been a few years since I looked at this, and the City of Los Angeles, in fact, a few years ago was the largest taxpayer in Clark County. This year they are about 23rd. And they would be receiving back, should this amendment fly, $12,754; Nevada Power would be receiving $143,000; Golden Nugget Properties, $121,000; Hilton Hotels, $117,000; Circus Circus Properties, $102,000, etc. going down. My point is this, while we certainly have—by the way, someone called "Unbelievable Incorporated" whoever they are, have property to the assessed valuation of $34.4 million and they will be receiving back $17,000 for unbelievable use—but at any rate the point that I bring down is this is only the top 20 or 22 businesses in Clark County, and I must believe on a percentage basis that will be mirrored in each and every county. The point being, whatever the tax dollars that we are sending back and we're asking or mandating in this case a local government to reduce the tax rate, far and away those giant savings, or those savings, will be going to the wealthy, to out-of-state people, etc. A person, if he was lucky enough to be living in a home around our state that is worth $100,000, he might save $17.50 in Clark County, and it would vary in other places. I'm sure that anyone would like to save $17 or $10 or $20 on their yearly property tax rate, but to get to that point we have to be giving hundreds of thousands and millions of dollars to those other folk.

Another thing that I have come to decide, partially, I might add, by this body paying nearly $.5 million for the Price Waterhouse Report, one of the criticisms of our state policy that they suggested that we should begin to undo—and your tax committee has been trying to do that—and there's been a move over the years a little at a time—is to quit dictating the thing that the former speaker from Clark County indicated, to quit mandating to local governments how to run their business. If we elect city councilmen, if we elect county commissioners, I can only presume that the county commissioners of Washoe

County, or of Elko County, or of wherever, or the city officials from Reno know much more about how to conduct a business and where the money, this small windfall they might receive—they should know much better how to deal with that than I as an Assemblyman who lives 450 miles away. I would respectfully suggest that my young colleague from Carson City knows very little about the City of North Las Vegas that I represent, and to tell them that this money, the few dollars that they receive, has to go back into property tax reduction, I believe, is not good fiscal policy in the relationship. It is the same as those folks at the other end of the states, Washington, D.C., trying to tell us how to micro-manage our business here in Nevada, and we know what a problem that is. So I would urge that we, after due consideration, do not support this amendment. Thank you, Mr. Speaker.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, I rise in opposition to this amendment. Order of Business 15. I would like to inform my young colleague from Carson City that in Clark County there are 174,000 apartments, that includes mobile homes, that includes single home rentals, that includes duplexes and triplexes and fourplexes; 174,000 families, almost a half a million people in our county live in rentals. Now I would submit to you that the landlords of these rentals, at the end of the year after they receive their property refund—looks like Santa Claus is coming around—that they have a Christmas party for all of their tenants, but I don't feel that way. Now at the same time, we have 142,000 single homes where the folks pay property tax. I think it is a noble gesture on the part of my young colleague from Carson City to make such a gesture, but I have yet to be able to fathom the fact that this is actually sales tax refund, so to speak, because all of those people including the 500,000 that I said live in apartments paid into this fund also. So I would try to come up with an answer on how those folks who will be denied anything on this particular issue are going to be honestly and morally refunded, so to speak, on this thing. If there is an answer for that, then I'd be well-satisfied. I think to say, "Hey, we are going to reduce your taxes, and everyone jumps up and says "My hero." That's great. I think that is fine, but I think it's rather unfair and unAmerican and unNevadan to come up with anybody that says we'll deny a half a million people their right to a refund. I feel strongly that we should be in opposition to this amendment and thank you.

Assemblymen Arberry, Porter and Garner moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1098 to Assembly Bill No. 104.

Assemblymen Gibbons, Marvel and Elliott requested a roll call on Assemblyman Heller's motion.

Roll call on Assemblyman Heller's motion:

YEAS—14.

NAYS—Anderson, Arberry, Bache, Bayley, Bennett, Callister, Carpenter, Evans, Freeman, Garner, Giunchigliani, Goetting, Haller, Kerns, Lambert, McGaughey, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Stout, Myrna Williams, Wendell Williams—27.

Not voting—Johnson.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

The following amendment was proposed by Assemblymen Lambert, Kerns, Humke, Gibbons and Elliott:

Amendment No. 1239.

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

"Sec. 34.5. 1. A county shall not impose a tax pursuant to section 29 of this act until after receiving the approval of a majority of the registered voters of the county voting on the question at a special or general election. The question voted upon must state the proposed rate and effective date of the tax.

2. A county shall not:

(a) Impose a new tax pursuant to section 33 of this act; or

(b) Continue to levy a tax levied for fiscal year 1991-1992 pursuant to section 33 of this act,

for the fiscal years after fiscal year 1991-1992 until after receiving the approval of a majority of the registered voters of the county voting on the question at a special or general election. The question voted upon must state the proposed rate and effective date of the tax.

3. The questions required pursuant to subsections 1 and 2 may be combined.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert, Anderson, Gibbons, Humke, Giunchigliani, Price, Johnson and Elliott.

Assemblyman Wong requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LAMBERT:

Thank you. This amendment only concerns the counties allowed to levy replacement taxes under this bill to replace lost SCCRT. The people of Washoe County aren't going to be able to afford "business as usual" after this bill passes. The purpose of this amendment is to put a mechanism in place to ensure that reasonable budget cuts are made at the local government level by requiring a package of taxes and spending cuts to be presented to the people at an election. Who, better than the people receiving the services, to decide what a proper service level should be? This amendment requires a vote of the people before a sales tax may be implemented and requires a vote before any ad valorem taxes that can be put into place shortly after this session, or after this bill passes, if those taxes may be continued into future years. These are broad-based taxes that everyone pays and everyone should have a say in their implementation. If we are to survive this tremendous hit, everybody must be part of the solution.

The package of available taxes that can be raised to replace lost revenues affects the people and businesses of our county. It affects gaming, our major industry, and it also should affect our local government through spending cuts, and not just cuts in libraries and parks, police and fire but all areas of government, including administration and general government. If everyone gives a little, surviving the impact of A.B. No. 104 will not be pleasant but it may, at least, be possible. I urge your adoption of Amendment No. 1239 to A.B. No. 104. Thank you.

ASSEMBLYMAN ANDERSON:

A question through you, Mr. Speaker, to my distinguished colleague from Washoe County. Would the ad valorem vote go before any property tax assessment would take place or would the county have the option to do that initially and then come back afterwards and have an approval?

ASSEMBLYMAN LAMBERT:

The county would be able to implement the tax. The rates have to be set by July 16, I believe, for the first year, 1991-1992, and then go to a vote to continue that levy on into the future.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of this amendment. Obviously so, because my name is on it and I do support this amendment, and I cannot sit here in muted ambivalence to the process that is going on today. I don't believe there is an issue that this body is considering that is more divisive to the state than A.B. No. 104. What it's doing, of course, is cementing in concrete, the rift that is growing between the north and the south. This amendment here, is going to do several things. First of all, it's going to include the public in Washoe County in having a decision in this regard. Perhaps it will bring some vestige back to them of feeling included in making the decisions on how their government is run. I find curious, the comments that I've heard earlier about who better to know what the people of the county want than local government. Perhaps so, but let me suggest that it is the people who vote that should know.

This bill, Assembly Bill No. 104, regardless of the form it takes, is going to greatly, and perhaps unnecessarily so, hurt the people of Washoe County and I say that with great respect, because it is not just Washoe County, it is the people there who have needs and who have needs for services.

I think what we are doing with this amendment is bringing back to those people who are going to be injured by this bill, an opportunity to voice their concerns, whether they want lesser services, or maintain the same services, whether they want greater taxes or whether they want lesser taxes.

I do not always rise and speak my objections. I voted against Amendment No. 1097, not for what it did but for what it failed to do, and I stand and speak my mind on Amendment No. 1239 because of what it does, not for what it fails to do. It does give back to the people what we are attempting to take away. We are attempting to take away their right to decide whether or not taxes should be increased. So I rise to support this amendment and I hope that all of you do too, because to disenfranchise the voter is the greatest disservice we can do as an elected officer.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of Amendment No. 1239 to Assembly Bill No. 104. It's difficult to find any new words to say about this amendment or about the bill. Suffice it to say that it's tough to find anyone in Washoe County who would like the bill and what they anticipate will be its final form, but this amendment is the way to salve the wound of the Washoe County citizen. It is the way to bring power to the people of Washoe County. Please give them some respect. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I find that I must rise in opposition to Amendment No. 1239, probably for one reason, and one reason only. I see this as a stalling tactic. If this were to go into place, it could be a year, two years, or the taxes to repay Clark County would not come forth and we would be back here next session trying to deal with fair-share one more time. I think the people in Clark County voted to increase their own taxes to pay for services because the monies were not coming from the north and the rural counties. For the last 10 years, they have had to pay the increase and now that's what this whole issue is about. We allowed for enabling legislation in A.B. No. 104 for the county commission to be able to have a variety of taxes to be able to enact in order to pay for this. It's a hard bite. We tried to work out a compromise bill and this amendment simply would stop Clark County taxpayers from receiving their fair share.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. May we go to Order of Business 15? Thank you. I'm sure having fun today. Yesterday, I think it was yesterday, or it could have been day before yesterday, or last week, we passed a bill from this house creating a commission on democracy and the republic and I spoke about all the good things we've done teaching students about democracy and the republic.

The remarks I hear from my colleagues today make me believe that perhaps we should direct our attention to this body. I would remind you when you talk about the citizenry voting, direct vote on issues, I would remind you that the form of government that we chose, that our forefathers chose, and that we have duplicated is, in fact, a republic. They

choose us through the voting process to make decisions in this body. They choose their county commissioners to make decisions on their behalf at that level and they choose city commissioners and on and on.

Your Committee on Taxation in developing the amendment and the bill as it now sets made provisions in it to make sure, if there was any doubt, which at least one of our committee members from Washoe County, and perhaps two were concerned about, that there would be adequate hearings, that the citizenry would have the opportunity to make their voices heard. That, my colleagues, is a republic which I believe this land and our country is all about. I would respectfully suggest that even the mechanics and the time problems, if we were not a republic, trying to set up an election and the cost, and all the various things to meet the other time lines that are necessary for establishing property tax rates, and so forth, would be very difficult, if not impossible to meet. What is going to happen when this bill takes effect, and assuming that it does, is that the citizenry of Washoe County will have to participate to the best of their abilities in the republic that we have chosen to create for them.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I view this whole bill somewhat in speaking on the previous amendment is somewhat out of place. This is kind of like "is my eyeball hurting your elbow," but there are several things that we really should consider in this amendment. One is that the citizens of Washoe County in the past have through their votes established their level of service that they desire. They voted for tax increases, they voted for their elected officials. They have had public hearings, they have objected, they have defeated bond issues, they have passed bond issues.

I would like to remind you that the purpose of A.B. No. 104 is not something that we're taking revenues from Washoe County, we are removing revenues that presently go back to Washoe County. By doing this, this body is establishing the amount of revenue that will be available, not the citizens in Washoe County. The vote of this body will determine how much money is available for you to pass. This amendment says that the money can't be made up by the normal process that everybody would wish to have. We have, by actions of this body, restricted their ability to respond to local needs forcing them into elections. What you would be doing with this amendment is forcing elections, special elections, if you want to get it done in any reasonable time, but no matter what, you'll have cutbacks in staffing because of cash flow problems. Even if you don't pass this, there will be reductions in service because of cash flow. This amendment is potentially very harmful to the citizens who have previously established their level of service. How they want their local government to be run, how they want their streets to be fixed, their safety, public safety, public health, those issues have been established before, already, and this body will be removing the amount of money that's available for them. Not to allow them to implement programs of their choice, at the local level by the process that has been established would be wrong. I will oppose this amendment.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. To you and through you to the chairman of the Taxation Department, I think it was an excellent and fresh idea that he came up with on a new republic. Perhaps, that's the solution that maybe we should call it Clark County; however, if that is in fact, what you meant, I applaud you, sir. However, I think that the people who are going to be disadvantaged by this action should have a say in how they are going to be taken advantage of.

Assemblymen Arberry, Porter and Evans moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1239 to Assembly Bill No. 104.

Assemblymen Gibbons, Marvel and McGinness requested a roll call on Assemblyman Lambert's motion.

Roll call on Assemblyman Lambert's motion:

YEAS—17.

NAYS—Arberry, Bache, Bayley, Bennett, Callister, Carpenter, Garner, Giunchigliani, Goetting, Gregory, Hardy, Johnson, Krenzer, McGaughey, Norton, Petrak, Pettyjohn, Porter, Price, Scherer, Spitler, Stout, Myrna Williams, Wendell Williams, Wong—25.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 7.

Bill read third time.

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

Amendment No. 1324.

Amend the bill as a whole by deleting sections 1 through 142 and adding new sections designated sections 1 through 126, following the enacting clause, to read as follows:

"Section 1. NRS 612.190 is hereby amended to read as follows:

612.190 1. "Wages" means:

(a) All remuneration paid for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash; and

(b) Income from tips reported [for an employee pursuant to NRS 612.343, for which the employer has paid the required contributions.] *by an employee to his employer pursuant to 26 U.S.C. § 6053(a). For the purposes of determining income from tips:*

*(1) Such reports may not be amended.*

*(2) Tips reported after the 10th day of the month following the calendar month in which they were received may not be included or used in any claim for benefits.*

*2.* The reasonable cash value of remuneration payable in any medium other than cash must be estimated and determined in accordance with regulations adopted by the executive director. To determine insured status only, back pay awards must be allocated to the quarters with respect to which they were paid.

[2.] *3.* "Wages" does not include:

(a) The amount of any payment made , [(] including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment , [)] to or on behalf of a person or any of his dependents under a plan or system established by an employing unit which makes provision generally for persons performing service for it , [(] or for those persons generally and their dependents , [),] or for a class or classes of those persons , [(] or for a class or classes of those persons and their dependents , [),] on account of:

(1) Retirement;

(2) Sickness or accident disability;

(3) Medical or hospitalization expenses in connection with sickness or accident disability; or

(4) Death.

(b) The amount of any payment made by an employing unit to a person performing service for it , [(] including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment , [)] on account of retirement.

(c) The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability by an employing unit to or on behalf of a person performing services for it after the expiration of 6 calendar months following the last calendar month in which the person performed services for the employing unit.

(d) The amount of any payment made by an employing unit to or on behalf of a person performing services for it or his beneficiary:

(1) From or to a trust described in Section 401(a) which is exempt from tax under Section 501(a) of the Internal Revenue Code of 1954 at the time of the payment unless the payment is made to a person performing services for the trust as remuneration for his services and not as a beneficiary of the trust; or

(2) Under or to an annuity plan which, at the time of the payment, meets the requirements of Section 401(a)(3), (4), (5) and (6) of the Internal Revenue Code of 1954.

(e) The payment by an employing unit, without deduction from the remuneration of the person in its employ, of the tax imposed upon a person in its employ, under Section 3101 of the Internal Revenue Code of 1954 with respect to services performed for the employing unit.

(f) Remuneration paid in any medium other than cash to any person who performs agricultural labor or to a person for service not in the course of the employing unit's trade or business.

(g) The amount of any payment , [(] other than vacation or sick pay , [)] made to a person after the month in which he attains the age of 65, if he did not perform services for the employing unit in the period for which the payment is made.

Sec. 2. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 37, inclusive, of this act.

Sec. 3. *"Division" means the division of industrial insurance regulation of the department of industrial relations.*

Sec. 4. *"Extended claim" means a claim for compensation in which the insurer determines that:*

*1. The likely duration of the claim is 30 days or more; or*

*2. The claimant has a low probability of returning to work at the job he held before his injury.*

Sec. 5. *"Principal contractor" means a person who:*

*1. Coordinates all the work on an entire project;*

*2. Contracts to complete an entire project;*

*3. Contracts for the services of any subcontractor or independent contractor; or*

*4. Is responsible for payment to any contracted subcontractors or independent contractors.*

Sec. 6. *"Third-party administrator" means a person who is hired by an insurer to provide administrative services for the insurer and manage claims. The term does not include an insurance company.*

Sec. 7. *"Vocational rehabilitation services" has the meaning ascribed to it in NRS 615.140.*

Sec. 8. *1. Any person may request the system to provide him with a statement certifying whether he is insured by the system. If the person is insured by the system, the system shall issue a certificate, upon a standard form established by the system for that purpose, which states that the person is insured by the system.*

*2. The administrator may adopt regulations to carry out the provisions of this section.*

Sec. 9. *The administrator may adopt regulations relating to sections 118 and 119 of this act, including regulations specifying the form of the declaration required by those sections.*

Sec. 10. *1. If an employer refuses to produce any book, record, payroll report or other document in conjunction with an audit conducted by the system to verify the employer's premium, the manager may issue a subpena to require the production of that document.*

*2. If an employer refuses to produce any document as required by the subpena, the manager may report to the district court by petition, setting forth that:*

*(a) Due notice has been given of the time and place of the production of the document;*

*(b) The employer has been subpenaed by the manager pursuant to this section; and*

*(c) The employer has failed or refused to produce the document required by the subpena,*

*and asking for an order of the court compelling the employer to produce the document.*

*3. Upon such petition, the court shall enter an order directing the employer to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and to show cause why he has not produced the document. A certified copy of the order must be served upon the employer.*

*4. If it appears to the court that the subpena was regularly issued by the manager, the court shall enter an order that the employer produce the required document at the time and place fixed in the order. Failure to obey the order constitutes contempt of court.*

Sec. 11. *Any person who willfully makes a false statement or representation concerning the employment of any person who is receiving benefits pursuant to this chapter is guilty of a gross misdemeanor.*

Sec. 12. *1. A physician or chiropractor attending an injured employee shall not refer that employee to a health facility or service in which the physician or chiropractor has a financial interest, including an interest as a*

*limited partner, unless he first discloses that interest in writing to the injured employee and the insurer. Upon the request of an injured employee to whom such a disclosure is made, the physician or chiropractor shall provide the injured employee with a referral to a health facility or service in which the physician or chiropractor does not have a financial interest.*

*2. As used in this section, "health facility" means any facility in or through which services related to the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients or other related services are provided. The term includes any parent, affiliate, subsidiary or partner of such a facility and any other entity which has a primary purpose of providing a benefit to such a facility.*

Sec. 13. *1. The administrator shall appoint a panel to determine if an injured employee may be referred for examination or treatment outside Nevada. The panel must be composed of:*

*(a) An orthopedic surgeon appointed from a list submitted by the Nevada Orthopaedic Society;*

*(b) A neurosurgeon appointed from a list submitted by the Neurosurgical Society of Nevada;*

*(c) A chiropractor appointed from a list submitted by the Nevada State Chiropractic Association; and*

*(d) Any other physician appointed from a list submitted by the Nevada State Medical Association because of his specialty.*

*2. Upon receipt of a request for examination or treatment outside Nevada, the administrator shall select three members of the panel to review the request and make a determination. The administrator shall select members of the panel whose specialties are related most directly to the problem presented.*

*3. The selected members of the panel shall make a determination within 30 days after receipt of the request or within a shorter time specified by the administrator in the case of an emergency. The members shall consider:*

*(a) The reasonableness of the request;*

*(b) The availability of the required treatment in Nevada;*

*(c) The expertise of physicians or chiropractors in Nevada compared to the expertise of physicians or chiropractors in other states;*

*(d) The location of the family of the injured employee; and*

*(e) Any other factor necessary to review the request.*

*4. The members of a panel serve voluntarily.*

*5. The provisions of this section do not apply in the case of an injured employee who is employed by a self-insured employer.*

Sec. 14. *The administrator shall not designate a chiropractor to rate permanent disabilities unless the chiropractor has completed an advanced program of training in rating disabilities using the American Medical Association's Guides to the Evaluation of Permanent Impairment which is offered or approved by the administrator.*

Sec. 15. *1. A principal contractor is not liable for the payment of compensation for any industrial injury to any independent contractor or any employee of an independent contractor if:*

*(a) The contract between the principal contractor and the independent contractor is in writing and the contract provides that the independent contractor agrees to maintain coverage for industrial insurance pursuant to this chapter;*

*(b) Proof of such coverage is provided to the principal contractor;*

*(c) The principal contractor is not engaged in any construction project; and*

*(d) The independent contractor is not in the same trade, business, profession or occupation as the principal contractor.*

*2. The administrator may adopt such regulations as are necessary to carry out the provisions of this section.*

Sec. 16. *1. A person is not an employer for the purposes of this chapter if:*

*(a) He enters into a contract with another person or business which is an independent enterprise; and*

*(b) He is not in the same trade, business, profession or occupation as the independent enterprise.*

*2. As used in this section, "independent enterprise" means a person who holds himself out as being engaged in a separate business and:*

*(a) Holds a business or occupational license in his own name; or*

*(b) Owns, rents or leases property used in furtherance of his business.*

*3. The provisions of this section do not apply to a principal contractor who is licensed pursuant to chapter 624 of NRS.*

*4. The administrator may adopt such regulations as are necessary to carry out the provisions of this section.*

Sec. 17. *1. A person shall not act as a third-party administrator for a self-insured employer's plan of self-insurance without a certificate issued by the commissioner pursuant to NRS 683A.085.*

*2. A person who acts as a third-party administrator for a self-insured employer's plan of self-insurance pursuant to this chapter shall:*

*(a) Administer from one or more offices located in this state all of the claims arising under each plan of self-insurance that he administers and maintain in those offices all of the records concerning those claims;*

*(b) Administer each plan of self-insurance directly, without subcontracting with another third-party administrator; and*

*(c) Upon the termination of his contract with a self-insured employer, transfer forthwith to a certified third-party administrator chosen by the employer all of the records in his possession concerning claims arising under the plan of self-insurance.*

Sec. 18. *1. An employer who is certified as a self-insured employer pursuant to the provisions of NRS 616.293 may enter into a contract to have his plan of self-insurance administered by a third-party administrator.*

*2. Except as otherwise provided in subsection 3, a self-insured employer shall not enter into a contract with any person for the administration of any part of the employer's plan of self-insurance unless that person maintains an office in this state and has a valid certificate issued by the commissioner pursuant to NRS 683A.085.*

*3. The commissioner may, under exceptional circumstances, waive the requirements of subsection 2.*

Sec. 19. *The commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:*

*1. Fails to comply with regulations of the commissioner regarding reports or other requirements necessary to carry out the purposes of this chapter; or*

*2. Violates any provision of section 17 of this act or any regulation adopted by the commissioner or the administrator concerning the administration of the employer's plan of self-insurance.*

Sec. 20. *The commissioner may adopt any regulations that are necessary to carry out the provisions of sections 17, 18 and 19 of this act.*

Sec. 21. *1. An employer shall establish a written safety program if:*

*(a) He has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification; or*

*(b) His premium rate for the classification assigned to the greatest portion of his payroll is in the highest 75 percent of premium rates for all classifications of employment.*

*2. The written safety program must include:*

*(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries.*

*(b) The establishment of a safety committee which includes, whenever possible, an equal number of representatives of employees and employers. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.*

*(c) Training on identifying potential hazards in the workplace.*

*(d) The review and application of state and federal statutes, regulations and standards concerning occupational safety and health.*

*(e) A requirement for the periodic consultation of the employer with the division of enforcement for industrial safety and health of the department.*

*3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, inspections or any other activity of the committee, must be paid by his employer as if that employee were engaged in his usual work activities.*

*4. The administrator of the division of preventative safety of the department shall develop and provide each employer with a written manual which includes:*

*(a) Information concerning safety, health and emergencies in the workplace, and the establishment of a training program for employees with regard to those matters;*

*(b) A listing and description of safe work practices; and*

*(c) Guidelines for the establishment of a safety committee.*

*5. Any other employer may establish a written safety program and a safety committee.*

*6. An employer who employs 25 or more persons and who hires temporary employees shall hold a meeting and provide specialized training concerning safety for those temporary employees before they begin work at each site or as soon as possible thereafter.*

*7. The manager shall increase by 3 percent the premium of any employer who violates the provisions of subsection 1, and shall transfer any additional premium received by him pursuant to this subsection to the department for use by the division of preventative safety.*

*8. The administrator of the division of enforcement for industrial safety and health may grant an exemption from any of the provisions of this section to an employer who has a rate of occupational injury and illness that is in the lowest 25 percent of all employers in this state.*

Sec. 22. *1. An insurer shall provide to the administrator upon written request only information in its possession which is necessary for the enforcement of any provision of this chapter or chapter 617 of NRS, or any regulation or standard adopted pursuant thereto, within 30 days after the date of the request. The written request must:*

*(a) Specifically indicate what information is being requested; and*

*(b) The statute, regulation or standard adopted pursuant thereto for which the information is needed.*

*2. Upon the receipt of a written request from an insurer, the administrator may extend the time within which information must be provided if good cause for granting the extension is shown.*

Sec. 23. *If any person appeals the decision of an appeals officer, that decision is not stayed unless a stay is granted by the appeals officer or the district court within 30 days after the date on which the decision was rendered.*

Sec. 24. *1. A hearing officer or appeals officer shall not order self-employment for an injured employee or the payment of compensation in a lump sum for vocational rehabilitation.*

*2. An insurer and an injured employee may execute an agreement concerning self-employment.*

Sec. 25. *1. The director shall cause to be conducted at least every 3 years an audit of all insurers who provide benefits to injured employees pursuant to this chapter or chapter 617 of NRS. The director shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of this chapter or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the director.*

*2. The director shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:*

*(a) Specific audit objectives;*

*(b) Standards for documentation;*

*(c) Policies for supervisory review;*

*(d) Policies for the training of auditors;*

*(e) The format for the audit report; and*

*(f) Procedures for the presentation, distribution and retention of the audit report.*

*3. The commissioner and the director shall establish a procedure for sharing information between the insurance division of the department of commerce and the department concerning the qualifications of employers as self-insured employers pursuant to NRS 616.291.*

*4. On or before March 1 of each year, the director shall make a report of each audit to the legislature, if it is in session, or to the interim finance committee if the legislature is not in session.*

Sec. 26. *1. The manager shall make available a program, using a videotape cassette or other means of presentation, concerning the rights and responsibilities of employers and employees pursuant to this chapter and chapter 617 of NRS. The manager shall provide written notification concerning the availability of the program to each chamber of commerce in Nevada and to each statewide association for a business or industry. The program must be available to community organizations, businesses, employers and employees upon request.*

*2. The manager shall provide each:*

*(a) Employer who attends a program, a certificate which certifies that he has completed the program described in subsection 1. The employer shall post the certificate in his business in a place that is readily accessible and visible to his employees.*

*(b) Employee who attends a program, a card which certifies that he has completed the program described in subsection 1.*

*3. The manager shall identify those employers whose employees sustained injuries during the preceding calendar year at a rate that he determines is significantly greater than the rate of injuries for that industry as a whole. The manager shall provide consultation concerning safety to such employers.*

*4. If an employer refuses to consult or does not cooperate with the manager concerning safety, the manager may assess the employer an administrative penalty of not more than $1,000 or adjust the premium rate of the employer.*

Sec. 27. *On or before September 1 of each year, the system shall distribute to each employer and shall make available to physicians and chiropractors, any form for reporting injuries that has been revised within the previous 12 months.*

Sec. 28. *1. The system shall establish teams of employees of the system to manage extended claims. A team must include a claims examiner, nurse and vocational rehabilitation counselor.*

*2. The case load for a claims examiner must not exceed 200 active claims. The manager shall determine the case load for the other members of a team. The case load for vocational rehabilitation counselors who conduct full vocational assessments must not exceed 35 active claims.*

*3. Within 10 days after a case is assigned to a team to manage extended claims, a nurse or a claims examiner who represents the system shall consult*

*with the injured employee, the employer and the physician of the injured employee to establish a plan of care for the injured employee, whenever practicable.*

*4. The plan of care for the injured employee must provide early intervention, if appropriate, and may include:*

*(a) Physical therapy, medical services and rehabilitation;*

*(b) Occupational therapy;*

*(c) Psychological examination;*

*(d) Vocational rehabilitation services; and*

*(e) Diagnostic services.*

*5. The team shall provide the employer and the treating physician or chiropractor with information concerning the injured employee, including:*

*(a) Any changes in the treating physician or chiropractor; and*

*(b) Information concerning the denial of a claim.*

Sec. 29. *A member of a team established pursuant to section 28 of this act shall represent the system in a hearing concerning an extended claim managed by the team, whenever practicable.*

Sec. 30. *The chief of the hearings division of the department of administration shall:*

*1. Prescribe by regulation the qualifications and training required before a person may, pursuant to this chapter or chapter 617 of NRS, serve as a hearing officer. Training for a hearing officer must include techniques of mediation.*

*2. Provide for the expediting of the hearing of cases that involve the termination or denial of compensation.*

Sec. 31. *An insurer shall adhere to the following priorities in returning an injured employee to work:*

*1. Return the injured employee to the job he had before his injury.*

*2. Return the injured employee to a job with the employer he worked for before his accident that accommodates any limitation imposed by his injury.*

*3. Return the injured employee to employment with another employer in a job that uses his existing skills.*

*4. Provide training for the injured employee while he is working in another vocation.*

*5. Provide formal training or education for the injured employee in another vocation.*

Sec. 32. *1. If an injured employee is eligible for vocational rehabilitation services pursuant to subsection 3 of NRS 616.222, the insurer and the injured employee may execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services.*

*2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational rehabilitation services under his claim.*

*3. Before executing an agreement pursuant to subsection 1, an insurer must:*

*(a) Order an assessment of and counseling concerning the vocational skills of the injured employee;*

*(b) Consult with the employer of the injured employee; and*

*(c) Provide a written notice to the injured employee that contains the following statements:*

*(1) That the injured employee is urged to consult with a private attorney or seek assistance and advice from the state industrial claimants' attorney before signing the agreement.*

*(2) That the injured employee may rescind the agreement within 20 days after he signs it.*

*(3) That the 20-day period pursuant to subparagraph (2) may not be waived.*

*(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.*

Sec. 33. *1. The system may execute agreements for the provision of vocational rehabilitation services for injured employees with the employment security department, the rehabilitation division of the department of human resources and any other state or federal agency which provides such services. The fees for those services must be established by the agency which provides the services. The provisions of this subsection do not preclude the system from providing vocational rehabilitation services for injured employees.*

*2. The administrator shall adopt regulations concerning the use of programs that provide vocational rehabilitation services and which are located outside Nevada.*

Sec. 34. *1. The system may execute an agreement for the provision of vocational rehabilitation services for injured employees with a private person if:*

*(a) The manager proves to the satisfaction of the administrator that such an agreement is necessary because the system lacks sufficient resources to provide such services for all injured employees presently eligible for them; and*

*(b) The selection of a private person to provide vocational rehabilitation services is made by a competitive bid in accordance with chapter 333 of NRS.*

*2. The manager shall appoint a committee of five persons to oversee the competitive bidding and develop criteria for the selection of a private person to provide vocational rehabilitation services. The criteria must include, without limitation:*

*(a) A bidder's previous record of successful rehabilitation of injured employees;*

*(b) A bidder's performance on previous contracts entered into with governmental agencies;*

*(c) The overall cost to the system of the placement of each injured employee in other employment;*

*(d) The kinds of jobs for which a bidder will train injured employees and the average rates of pay for such jobs; and*

*(e) The record of a bidder in placing injured employees in other employment.*

*The successful bidder must be selected based on these criteria. The committee may assign a different value to each of the various criterion.*

*3. The bidding and the records related to the bidding are subject to review by any member of the public upon request.*

*4. The successful bidder must be a person certified to provide vocational rehabilitation services by a national organization recognized and approved by the director.*

Sec. 35. *1. A hearing officer or appeals officer shall not order self-employment for an injured employee or the payment of compensation in a lump sum for vocational rehabilitation.*

*2. An insurer and an injured employee may execute an agreement concerning self-employment.*

Sec. 36. *1. An insurer shall schedule a rating for an injured employee within 30 days after the injured employee is determined to be stable and ratable by the treating physician or chiropractor.*

*2. A rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee.*

*3. A self-insured employer shall refer an injured employee who is entitled to compensation for a permanent partial disability to the department for a rating by a physician or chiropractor selected in rotation from the list of qualified physicians or chiropractors designated by the administrator pursuant to subsection 2 of NRS 616.605, according to the order in which their names appear on the list.*

Sec. 37. *1. If an injured employee disagrees with the percentage of disability determined by a physician, the injured employee may choose another physician from the list established pursuant to NRS 616.605 and obtain a second determination of the percentage of disability. The injured employee shall pay for the second determination.*

*2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.*

*3. If a hearing officer or appeals officer determines, or if the parties agree, that the percentage of disability of the injured employee is greater than the first determination, the insurer shall reimburse the injured employee for the costs of the second determination.*

Sec. 38. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.120, inclusive, *and sections 3 to 7, inclusive, of this act,* have the meanings ascribed to them in those sections.

Sec. 39. NRS 616.025 is hereby amended to read as follows:

616.025 "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including artificial members. The term includes medical bene-

fits as defined by NRS 617.130 [.] *and any preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment.*

Sec. 40. NRS 616.027 is hereby amended to read as follows:

616.027 1. Except as *otherwise* provided in subsection 3, "average monthly wage" means the lesser of:

(a) The monthly wage actually received or deemed to have been received by the employee on the date of the accident or injury to the employee excluding remuneration from employment:

(1) Not subject to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act;

(2) Specified in NRS 616.255 or 617.180; and

(3) For which coverage is elective, but has not been elected; or

(b) One hundred fifty percent of the state average weekly wage as most recently computed by the employment security department during the fiscal year preceding the date of the injury or accident, multiplied by 4.33.

2. For the purposes of this section, "wage" is increased by the amount of tips reported by an employee to his employer *pursuant to 26 U.S.C. § 6053(a),* except:

(a) Tips in a form other than cash; and

(b) Tips in cash which total less than $20 per month.

3. For the purpose of increasing compensation for permanent total disability pursuant to NRS 616.6262 or increasing death benefits pursuant to NRS 616.6282, "average monthly wage" has the meaning shown in the following schedule:

| Effective Date | Average Monthly Wage for Prior Fiscal Year |
|---|---|
| July 1, 1973 | $688.60 |
| July 1, 1974 | 727.48 |
| July 1, 1975 | 761.47 |
| July 1, 1976 | 807.33 |
| July 1, 1977 | 858.29 |
| July 1, 1978 | 918.05 |
| July 1, 1979 | 992.31 |
| July 1, 1980 | 1,061.24 |

Sec. 41. NRS 616.069 is hereby amended to read as follows:

616.069 A member of the Nevada Wing of the Civil Air Patrol who participates:

1. In a mission; or

2. In training,

which has been authorized by the division of emergency management of the department of the military shall be deemed for the purposes of this chapter to be an employee of the division *of emergency management* at the wage of $600 per month and, in the event of injury during such a mission or training, is entitled to the benefits of this chapter.

Sec. 42. NRS 616.085 is hereby amended to read as follows:

616.085 1. [Subcontractors and their employees] *Except as otherwise provided in section 16 of this act, subcontractors, independent contractors and the employees of either* shall be deemed to be employees of the principal contractor [.] *for the purposes of this chapter.*

2. If the subcontractor is a sole proprietor or partnership licensed pursuant to chapter 624 of NRS, the sole proprietor or partner shall be deemed to receive a wage of $500 per month for the purposes of this chapter.

Sec. 43. NRS 616.110 is hereby amended to read as follows:

616.110 1. "Injury" and "personal injury" means a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result, including injuries to artificial members. Any injury sustained by an employee while engaging in an athletic or social event sponsored by [the] *his* employer shall be deemed not to have arisen out of or in the course of employment unless the employee received remuneration for participation in [such] *the* event.

2. For the purposes of this chapter, coronary thrombosis, coronary occlusion, or any other ailment or disorder of the heart, and any death or disability ensuing therefrom, shall [not] be deemed *not* to be an injury by accident sustained *by an employee* arising out of and in the course of [the] *his* employment.

*3. For the purposes of this chapter, the exposure of an employee to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment shall be deemed to be an injury by accident sustained by the employee arising out of and in the course of his employment.*

Sec. 44. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department of industrial relations shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner of insurance is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers *and third-party administrators* pursuant to NRS 616.291 to 616.298, inclusive, [616.337 and 616.338.] *NRS 616.338 and chapter 683A of NRS.*

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive [.] , *and section 23 of this act.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

*5. The division of industrial insurance regulation is responsible for the investigation of complaints from injured employees only as provided by specific statute. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes*

*or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.*

Sec. 45. NRS 616.220 is hereby amended to read as follows:

616.220 The administrator shall:

1. Prescribe by regulation the time within which adjudications and awards must be made.

2. Regulate forms of notices, claims and other blank forms deemed proper and advisable.

3. Prescribe by regulation the methods by which an insurer may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith. Every such approval, rejection and determination is subject to review by a hearing officer.

4. Provide by regulation for adequate notice to each claimant of his right:

(a) To review by a hearing officer of any determination or rejection by the insurer.

(b) To judicial review of any final decision.

5. Prescribe by regulation the criteria by which an insurer who orders rehabilitative services for an injured worker must provide those services.

6. Prescribe by regulation the method for reimbursing an injured worker for expenses necessarily incurred for travel more than 20 miles one way from his residence or place of employment to his destination as a result of an industrial injury.

*7. Except with respect to any matter committed by specific statute to the regulatory authority of another person or agency, adopt such other regulations as he deems necessary to carry out the provisions of this chapter and chapter 617 of NRS.*

Sec. 46. NRS 616.221 is hereby amended to read as follows:

616.221 [Any] *Except as otherwise provided in NRS 616.377 and 617.275, any* party who is aggrieved by a decision of the administrator may appeal that decision directly to the district court.

Sec. 47. NRS 616.222 is hereby amended to read as follows:

616.222 1. [To] *Except as otherwise provided in this section, to* aid in returning an injured employee to work or to assist in lessening or removing any resulting handicap, the insurer [may] *shall* order counseling, training or other rehabilitative services for the injured employee regardless of the date on which he first became entitled to compensation.

2. Before ordering *any* rehabilitative services for an injured employee there must first be a consultation with the injured employee and the treating physician or chiropractor with respect to whether the proposed program is compatible with the injured employee's age, sex and physical condition. If the services will involve a change in vocation, the consultation must also include *a consultation with* the employer *of the injured employee* and a rehabilitation counselor.

3. *An injured employee is eligible for vocational rehabilitation services if:*

*(a) The treating physician or chiropractor approves the return of the injured employee to work but imposes restrictions that prevent the injured employee from returning to the job he held before his injury and the employer of the injured employee does not offer employment that the employee is eligible for considering those restrictions; or*

*(b) During the course of treatment, the treating physician or chiropractor refers the injured employee for assessment for vocational rehabilitation services.*

*4. Vocational rehabilitation services ordered by an insurer may include the formal education of the injured employee only if:*

*(a) The priorities set forth in section 31 of this act for returning an injured employee to work are followed;*

*(b) The education is recommended by a plan of vocational rehabilitation; and*

*(c) A written proposal concerning the probable economic benefits to the employee and the necessity of the education is submitted to the insurer.*

*5.* Any employee eligible for compensation other than accident benefits may not be paid those benefits if he refuses counseling, training or other rehabilitative services offered by the insurer.

Sec. 48. NRS 616.222 is hereby amended to read as follows:

616.222 1. Except as otherwise provided in this section, to aid in returning an injured employee to work or to assist in lessening or removing any resulting handicap, the insurer shall order counseling, training or other rehabilitative services for the injured employee regardless of the date on which he first became entitled to compensation.

2. Before ordering any rehabilitative services for an injured employee there must first be a consultation with the injured employee and the treating physician or chiropractor with respect to whether the proposed program is compatible with the injured employee's age, sex and physical condition. If the services will involve a change in vocation, the consultation must also include a consultation with the employer of the injured employee and a rehabilitation counselor.

3. An injured employee is eligible for vocational rehabilitation services if:

(a) The treating physician or chiropractor approves the return of the injured employee to work but imposes restrictions that prevent the injured employee from returning to the job he held before his injury and the employer of the injured employee does not offer employment that the employee is eligible for considering those restrictions; or

(b) During the course of treatment, the treating physician or chiropractor refers the injured employee for assessment for vocational rehabilitation services.

4. Vocational rehabilitation services ordered by an insurer may include the formal education of the injured employee only if:

(a) The priorities set forth in section 31 of this act for returning an injured employee to work are followed;

(b) The education is recommended by a plan of vocational rehabilitation; and

(c) A written proposal concerning the probable economic benefits to the employee and the necessity of the education is submitted to the insurer.

5. Any employee eligible for compensation other than accident benefits may not be paid those benefits if he refuses counseling, training or other rehabilitative services offered by the insurer.

*6. If an insurer cannot locate an injured employee for whom it has ordered vocational rehabilitative services, the insurer may close his claim 21 days after the insurer determines that the employee cannot be located. The insurer must make a reasonable effort to locate the employee.*

*7. The reappearance of the injured employee after his claim has been closed does not automatically reinstate his eligibility for vocational rehabilitative benefits. If the employee wishes to reestablish his eligibility for such benefits, he must file a written application with the insurer to reinstate his claim. The insurer shall reinstate the employee's claim if good cause is shown for the employee's absence.*

Sec. 49. NRS 616.226 is hereby amended to read as follows:

616.226 1. Appeals officers, the administrator and the manager, in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter may:

(a) Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

(b) Administer oaths.

(c) Certify to official acts.

(d) Call and examine under oath any witness or party to a claim.

(e) Maintain order.

(f) Rule upon all questions arising during the course of a hearing or proceeding.

(g) Permit discovery by deposition or interrogatories.

(h) Initiate and hold conferences for the settlement or simplification of issues.

(i) Dispose of procedural requests or similar matters.

(j) Generally regulate and guide the course of a pending hearing or proceeding.

*(k) Enforce decisions and settlements by imposing an administrative penalty or other sanction on a party to a claim for the violation of an order issued in the hearing or proceeding.*

2. Hearing officers in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter may:

(a) Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents that are relevant to the dispute for which the hearing or other proceeding are being held.

(b) Maintain order.

(c) Permit discovery by deposition or interrogatories.

(d) Initiate and hold conferences for the settlement or simplification of issues.

(e) Dispose of procedural requests or similar matters.

(f) Generally regulate and guide the course of a pending hearing or proceeding.

*3. After making a determination pursuant to a hearing or other proceeding, the insurer shall notify the injured employee, the employer and the physician or chiropractor who is treating the injured employee of the determination.*

Sec. 50. NRS 616.2537 is hereby amended to read as follows:

616.2537 1. [The] *Except as otherwise provided in subsection 3, the* Nevada attorney for injured workers shall, when appointed by an appeals officer or the administrator, represent without charge a claimant before the appeals officer, administrator, district court or supreme court. In addition, the Nevada attorney for injured workers may give advice regarding a claimant's rights before a hearing officer and the procedure for enforcing those rights.

2. When representing a claimant, the Nevada attorney for injured workers shall:

(a) Advise the claimant and present his case to the appeals officer or administrator; and

(b) Present in the district court or supreme court an appeal from the decision of the appeals officer or administrator if, in the opinion of the Nevada attorney for injured workers, the appeal is merited.

*3. If the Nevada attorney for injured workers determines, in accordance with the guidelines adopted pursuant to subsection 4, that a claim is frivolous or lacks merit, he may refuse to represent a claimant.*

*4. The Nevada attorney for injured workers shall establish the policies to be followed in determining whether a claim is frivolous or lacks merit.*

Sec. 51. NRS 616.294 is hereby amended to read as follows:

616.294 1. The commissioner [may] *shall* impose an administrative fine, not to exceed [$500] *$1,000* for each violation, and [may] *:*

*(a) Shall* withdraw the certification of a self-insured employer if:

[(a)] *(1)* The deposit required pursuant to NRS 616.291 is not sufficient and the employer fails to increase the deposit after he has been ordered to do so by the commissioner;

[(b)] *or*

*(2)* The self-insured employer fails to provide evidence of excess insurance pursuant to NRS 616.291 within 45 days after he has been so ordered . [;

(c)] *(b) May withdraw the certification of a self-insured employer if:*

*(1)* The employer intentionally fails to comply with regulations of the commissioner regarding reports or other requirements necessary to carry out the purposes of this chapter; [or

(d)] *(2) The employer violates the provisions of subsection 2 of section 18 of this act or any regulation adopted by the commissioner or the administrator concerning the administration of the employer's plan of self-insurance; or*

*(3)* The employer becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any involuntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation after an order for payment of any claim becomes final.

2. Any employer whose certification as a self-insured employer is withdrawn must, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616.305.

Sec. 52. NRS 616.2945 is hereby amended to read as follows:

616.2945 The commissioner [may] *shall* impose an administrative fine, not to exceed $5,000, if an employer whose certification as a self-insured employer has terminated fails to pay compensation [under] *pursuant to* this chapter or chapter 617 of NRS after an order for payment of any claim becomes final.

Sec. 53. NRS 616.330 is hereby amended to read as follows:

616.330 *1.* Every employer receiving from the system or administrator any blank form with directions to fill it out shall:

[1.] *(a)* Cause it to be filled out properly.

[2.] *(b)* Answer fully and correctly all questions therein propounded, and if unable to do so, shall give good and sufficient reasons for his failure. Answers to questions must be verified and returned to the system or administrator within [the period fixed by the system or administrator for return.] *6 working days.*

*2. The administrator shall impose an administrative fine if an employer fails to comply with the provisions of subsection 1. The administrator may impose a fine of not more than $1,000 for each failure to comply.*

Sec. 54. NRS 616.340 is hereby amended to read as follows:

616.340 1. Every employer within the provisions of this chapter [,] shall, immediately upon the occurrence of an injury to any of his employees, render to the injured employee all necessary first aid, including the cost of transportation of the injured employee to the nearest place of proper treatment if the injury is such as to make it reasonably necessary for such transportation.

2. Each such employer who is not self-insured or his agent shall within 6 working days following receipt of knowledge of an injury to an employee, notify the insurer's claims administrator in writing of the accident. *The notification of the accident must include a statement of the wages of the injured employee. An employee of the system shall not complete any form concerning the accident for an employer unless the employer:*

*(a) Is not in business;*

*(b) Has not been located by the insurer within 5 working days after receipt of the notification of the accident; or*

*(c) Refuses to complete the forms.*

3. An employer who is not self-insured is entitled to receive reimbursement from his insurer for the costs incurred in rendering the necessary first aid and transportation of an injured employee to the nearest place of proper treatment.

4. Any employer who fails to comply with the provisions of subsection 2 [may] *must* be fined not more than [$250] *$1,000 by the administrator* for each failure.

Sec. 55. NRS 616.340 is hereby amended to read as follows:

616.340 1. Every employer within the provisions of this chapter shall, immediately upon the occurrence of an injury to any of his employees, render to the injured employee all necessary first aid, including the cost of transportation of the injured employee to the nearest place of proper treatment if the injury is such as to make it reasonably necessary for such transportation.

2. Each such employer who is not self-insured or his agent shall [within 6 working days following receipt of knowledge of an injury to an employee,] notify the insurer's claims administrator in writing of the accident. The notification of the accident must *be postmarked within 6 working days after receipt of knowledge of the accident and must* include a statement of the wages of the injured employee. An employee of the system shall not complete any form concerning the accident for an employer unless the employer:

(a) Is not in business;

(b) Has not been located by the insurer within 5 working days after receipt of the notification of the accident; or

(c) Refuses to complete the forms.

3. *Each employer who files a report of an injury with the insurer shall file a full report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury. The report must be:*

*(a) Signed by the employer or his designee; and*

*(b) Furnished to the insurer in the form prescribed and contain specific answers to all questions required by the regulations of the department.*

*4.* An employer who is not self-insured is entitled to receive reimbursement from his insurer for the costs incurred in rendering the necessary first aid and transportation of an injured employee to the nearest place of proper treatment.

[4. Any employer who fails to comply with the provisions of subsection 2 must be fined not more than $1,000 by the administrator for each failure.]

Sec. 56. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator [may appoint] *shall establish a panel of* physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under this chapter. [Physicians and chiropractors so appointed constitute a panel of physicians and chiropractors, and every] *Every* employer shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. Any further change is subject to the approval of the insurer.

3. Except when emergency medical care is required and except as provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

4. The administrator may order necessary changes in a panel of physicians and chiropractors and [may] *shall* suspend or remove any physician or chiropractor from a panel [.] *for good cause shown.*

*5. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.*

Sec. 57. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under this chapter. Every employer shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. *The insurer shall notify the first physician or chiropractor in writing within 6 working days after such a change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification.* Any further change is subject to the approval of the insurer.

3. Except when emergency medical care is required and except as provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

4. The administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

5. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.

Sec. 58. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in industrial health to treat injured employees under this chapter. Every employer shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. The insurer shall notify the first physician or chiropractor in writing within 6 working days after such a change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification. Any further change is subject to the approval of the insurer [.] , *which must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor must include the name of the new physician or chiropractor chosen by the injured employee.*

3. Except when emergency medical care is required and except as provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

4. The administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

5. An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.

Sec. 59. NRS 616.345 is hereby amended to read as follows:

616.345 1. Every employer within the provisions of this chapter, and every physician or chiropractor who attends an injured employee within the provisions of this chapter, shall file with the insurer a [full] *complete* report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury.

2. Reports must be furnished to the insurer in the form prescribed *within 6 working days following receipt of knowledge of an injury to an employee* and must contain special answers to all questions required by the regulations of the department.

*3. The administrator shall impose an administrative fine on a person who fails to comply with the provisions of subsection 1. The administrator may impose a fine of not more than $1,000 for each failure.*

Sec. 60. NRS 616.345 is hereby amended to read as follows:

616.345 1. Every [employer within the provisions of this chapter, and every] physician or chiropractor who attends an injured employee within the provisions of this chapter [,] shall file with the insurer a complete report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury.

2. Reports must be furnished to the insurer in the form prescribed , *be postmarked* within 6 working days [following receipt of knowledge of an injury to an] *after the examination of the* employee and [must] contain special answers to all questions required by the regulations of the department.

3. The administrator shall impose an administrative fine on a person who fails to comply with the provisions of subsection 1. The administrator may impose a fine of not more than $1,000 for each failure.

Sec. 61. NRS 616.354 is hereby amended to read as follows:

616.354 1. [No] *A* provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may *not* charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any other unrelated services which are requested in writing by the patient.

2. The insurer is liable for all charges for approved services if the charges do not exceed:

(a) The fees established in accordance with NRS 616.412 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer.

3. If a provider of health care or an insurer violates the provisions of this section, the administrator [may] *shall* impose an administrative fine not to exceed $250 for each violation.

Sec. 62. NRS 616.375 is hereby amended to read as follows:

616.375 1. If any employer within the provisions of NRS 616.285 fails to provide and secure compensation under this chapter, any injured employee or his dependents may bring an action at law against [such] *the* employer for damages as if this chapter did not apply.

2. The injured employee or his dependents may in such *an* action attach the property of the employer at any time upon or after the institution of [such] *the* action, in an amount fixed by the court, to secure the payment of any judgment which is ultimately obtained. The provisions of chapters 31 and 71 of NRS [shall] govern the issuance of, and proceedings upon, [such] *the* attachment.

3. In such *an* action , [as in this section provided,] the employer [shall] *does* not escape liability for personal injury or accident sustained by [an employee of such employer,] *the employee,* when the injury sustained arises out of and in the course of the employment, because:

(a) The employee assumed the risks:

(1) Inherent or incidental to, or arising out of his employment;

(2) Arising from the failure of the employer to provide and maintain a reasonably safe place to work; or

(3) Arising from the failure of the employer to furnish reasonably safe tools , *motor vehicles* or appliances.

(b) The employer exercised reasonable care in selecting reasonably competent employees in the business.

(c) The injury was caused by the negligence of a coemployee.

(d) The employee was negligent, unless it appears that such negligence was willful and with intent to cause injury or the injured party was intoxicated.

In such cases it [shall be] *is* presumed that the injury to the employee was the result of the negligence of the employer and that such negligence was the proximate cause of the injury [. In such case] , *and* the burden of [the] proof rests upon the employer to rebut the presumption of negligence.

Sec. 63. NRS 616.377 is hereby amended to read as follows:

616.377 1. If an employee who has been hired [and] *or* who is regularly employed in this state suffers an accident or injury arising out of and in the course of his employment, and his employer has failed to provide mandatory industrial insurance coverage, the employee may elect to receive compensation [under the provisions of this chapter] *from the uninsured employers' claim fund* by:

(a) *Filing a claim for compensation with the system;*

*(b)* Filing a written notice of his election with the [administrator; and

(b)] *division; and*

*(c)* Making an irrevocable assignment to the [administrator] *division* of his right of action against the uninsured employer.

2. *If the system receives a claim pursuant to subsection 1, the system shall immediately:*

*(a) Notify the employer of the claim; and*

*(b) Deliver to the division any evidence regarding the claim and any evidence indicating that the employer was uninsured.*

*3. For the purposes of this section, the employer has the burden of proving that he provided mandatory industrial insurance coverage for the employee.*

*4.* Any employer who has failed to provide mandatory coverage required [under] *by* the provisions of this chapter [does not escape liability in any action brought by the employee or the administrator by asserting any of the defenses enumerated in subsection 3 of NRS 616.375 and the presumption of negligence set forth in that subsection is applicable.

3. The administrator shall assign a claim of an employee of an uninsured employer to the system for settlement and the payment of benefits and shall reimburse the system for claims adjusted and benefits paid.

4. A self-insured employer must] *is liable for all payments made on his behalf, including any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim fund or incurred by the division or department.*

*5. The division:*

*(a) May recover from the employer the payments described in subsection 4 and any accrued interest by bringing a civil action in district court.*

*(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.*

*(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.*

*(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.*

*6. The division shall determine whether the employer was insured within 30 days after receiving notice of the claim from the employee. Upon determining that a claim is valid, the division shall assign the claim to the system for administration of the claim, payment of benefits and reimbursement of costs of administration and benefits paid to the system. Upon determining that a claim is invalid, the division shall notify the claimant, the named employer and the system that the claim will not be assigned for benefits from the uninsured employers' claim fund.*

*7. Any party aggrieved by a decision regarding the administration of an assigned claim or a decision made by the division or by the system regarding any claim made pursuant to this section may appeal that decision within 60 days after the decision is rendered to the hearings division of the department of administration in the manner provided by NRS 616.5412 to 616.544, inclusive.*

*8. All insurers shall* bear a proportionate amount of a claim made pursuant to this chapter, and [is] *are* entitled to a proportionate amount of [the assignment] *any collection* made pursuant to this section [.] *as an offset against future liabilities.*

*9. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.*

*10. Attorney's fees recoverable by the division pursuant to this section must be:*

*(a) If a private attorney is retained by the department, paid at the usual and customary rate for that attorney.*

*(b) If the attorney is an employee of the department, paid at the rate established by regulations adopted by the department.*

*Any money collected must be deposited to the uninsured employers' claim fund.*

Sec. 64. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on

or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll *for that period* showing:

(a) The total amount paid to employees for services performed [during the period, plus the] *;*

*(b) The* amount of tips reported to him by every employee [who has elected to report his tips and] *pursuant to 26 U.S.C. 6053(a),* whose tips in cash totaled $20 or more [for the period; and

(b)] *; and*

*(c)* A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a year, the maximum amount paid by each employer to any one employee during the year shall be deemed to be $24,000.

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure [on the part] of any [such] employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows *that* the actual premium earned exceeds the estimated [advance] premium paid [,] *in advance,* the manager may require the payment of [a sum] *money* sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for [a failure on the part] *the failure* of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

Sec. 65. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; and

(c) A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a year, the maximum amount paid by each employer to any one employee during the year shall be deemed to be [$24,000.] *$36,000.*

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

Sec. 66. NRS 616.401 is hereby amended to read as follows:

616.401 1. An [employee may elect to report the amount he receives as tips for the purpose of the calculation of compensation by submitting to his employer a written notice of election to report his tips. The employee must make his election separately for each pay period before the end of the next pay period. The declaration may not be amended.

2. Upon receipt of such notice the] employer shall:

(a) Make a copy of each report [which the employee has filed] *that an employee files* with the employer *pursuant to 26 U.S.C. § 6053(a)* to report the amount of his tips to the United States Internal Revenue Service;

(b) [Stamp or attach to the copy a declaration to be signed by the employee under penalty of perjury which states that the contents of the report are true;

(c) Require the employee to sign the declaration;

(d)] Submit the copy to the system upon request and retain another copy for his records or if the employer is self-insured, retain the copy for his records; and

[(e)] *(c)* If he is not self-insured, pay the system the premiums for the reported tips at the same rate as he pays on regular wages . [, beginning 3 months after he receives the first notice of the election of the employee to report tips.

3. An employee who elects to report his tips is not eligible to receive increased compensation based on those tips until 3 months after his employer receives the notice of election to report his tips.

4.] 2. The department shall adopt regulations specifying the form of the declaration required pursuant to subsection [2.

5.] *1.*

*3.* The system or the self-insured employer shall calculate compensation for an employee on the basis of wages paid by the employer plus the amount of tips reported [after] *by* the employee [has become eligible for increased compensation pursuant to subsection 3.] *pursuant to 26 U.S.C. § 6053. Reports made after the date of injury may not be used for the calculation of compensation.*

*4. An employer shall notify his employees of the requirement to report income from tips for the purposes of calculating his federal income tax and for including the income in the computation of benefits pursuant to this chapter.*

*5. The administrator shall adopt such regulations as are necessary to carry out the provisions of this section.*

Sec. 67. NRS 616.412 is hereby amended to read as follows:

616.412 1. All fees and charges for accident benefits are subject to regulation by the department and must not:

(a) Exceed the fees and charges usually paid in the state for similar treatment.

(b) Be unfairly discriminatory as between persons legally qualified to provide the particular service for which the fees or charges are asked.

2. The director shall, giving consideration to the fees and charges being paid in the state, establish a schedule of reasonable fees and charges allowable for accident benefits. The director shall review and revise the schedule [annually] *on or before October 1 of each year* and shall not increase the schedule by any factor greater than the corresponding annual increase in the Consumer Price Index (Medical Care Component).

3. The director may request a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the state, to provide the director with such information concerning fees and charges paid for similar services as he deems necessary to carry out the provisions of subsections 1 and 2. The director shall not require any person to record or report his fees or charges in a manner inconsistent with the person's own system of records. The director may require a person or entity providing records or reports of fees charged to provide interpretation and identification concerning the information delivered. The director may impose an administrative fine of $500 for each refusal to provide the information requested pursuant to this subsection.

4. The department may adopt reasonable regulations necessary to carry out the provisions of this section. *The regulations must include provisions concerning:*

*(a) Standards for the development of the schedule of fees and charges;*

*(b) The periodic revision of the schedule; and*

*(c) The monitoring of compliance by providers of benefits with the adopted schedule of fees and charges.*

Sec. 68. NRS 616.415 is hereby amended to read as follows:

616.415 1. Except as otherwise provided in NRS 616.421, every employer operating under this chapter, alone or together with other employers, may make arrangements to provide accident benefits as defined in this chapter for injured employees.

2. Employers electing to make such arrangements shall notify the administrator of the election and render a detailed statement of the arrangements made, which arrangements do not become effective until approved by the administrator.

3. Every employer who maintains a hospital of any kind for his employees, or who contracts for the hospital care of injured employees, shall, on or before January 30 of each year, make a written report to the administrator for the preceding year, which must contain a statement showing:

(a) The total amount of hospital fees collected, showing separately the amount contributed by the employees and the amount contributed by the employers;

(b) An itemized account of the expenditures, investments or other disposition of such fees; and

(c) What balance, if any, remains.

*4. Every employer who provides accident benefits pursuant to this section:*

*(a) Shall, in accordance with regulations adopted by the administrator, make a written report to the department of his actual and expected annual expenditures for claims and such other information as the department deems necessary to calculate an estimated or final annual assessment.*

*(b) Shall be deemed to be an insurer for the purposes of assessments collected pursuant to NRS 232.680 and the regulations adopted by the department pursuant to that section.*

*5.* The reports *required by the provisions of subsections 3 and 4* must be verified *:*

*(a) If the employer is a natural person,* by the employer [, if a natural person; by a member, if a partnership;] *;*

*(b) If the employer is a partnership, by one of the partners;*

*(c) If the employer is a corporation,* by the secretary, president, general manager or other executive officer [, if a] *of the* corporation; *or*

*(d) If the employer has contracted with a physician or chiropractor for the hospital care of injured employees,* by the physician or chiropractor . [, if contracted to a physician or chiropractor.

4.] *6.* No employee is required to accept the services of a physician or chiropractor provided by his employer, but may seek professional medical

services of his choice as provided in NRS 616.342. Expenses arising from such medical services must be paid by the employer who has elected to provide benefits, pursuant to the provisions of this section, for his injured employees.

[5.] *7.* Every employer who fails to notify the administrator of such election and arrangements, or who fails to render the financial [report] *reports* required, is liable for accident benefits as provided by NRS 616.410.

Sec. 69. NRS 616.423 is hereby amended to read as follows:

616.423 1. There is hereby established in the state treasury the fund for workers' compensation and safety. All money received from assessments levied on insurers *and employers* by the director pursuant to NRS 232.680 must be deposited in this fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the department for functions supported in whole or in part from the fund must be delivered to the custody of the state treasurer for deposit to the credit of the fund.

3. All money and securities in the fund must be held in trust by the state treasurer as custodian thereof to be used solely for workers' compensation and the administration of regulations for safety of employees.

4. The state treasurer may disburse money from the fund only upon written order of the controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The commissioner [of insurance] shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner [of insurance] 30 days before their effective date. Any insurer *or employer* who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 70. NRS 616.427 is hereby amended to read as follows:

616.427 Except as otherwise provided in NRS 616.428:

1. If an employee who has a permanent physical impairment from any cause or origin incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of

such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, [no condition may be considered] *a condition is not* a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment [in the form most recently published and supplemented before January 1, 1986.] *as adopted and supplemented by the department. The department shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.*

4. In order to qualify under this section for reimbursement from the subsequent injury fund, the insurer must establish by written records that the employer had knowledge of the "permanent physical impairment" at the time that the employee was hired or that the employee was retained in employment after the employer acquired such knowledge.

5. An insurer shall notify the administrator of any possible claim against the subsequent injury fund as soon as practicable, but not later than 100 weeks after the injury or death.

6. The [director shall by regulation establish a procedure by which] *administrator shall adopt regulations establishing procedures for submitting* claims against the subsequent injury fund . [may be submitted and decisions made.] The administrator shall notify the insurer of his decision on such a claim within 90 days after the claim is received.

7. An appeal of any decision made concerning a claim against the subsequent injury fund must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.

Sec. 71. NRS 616.500 is hereby amended to read as follows:

616.500 1. Notice of the injury for which compensation is payable under this chapter must be given to the insurer as soon as practicable, but within 30 days after the happening of the accident.

2. In case of death of the employee resulting from the injury, notice must be given to the insurer as soon as practicable, but within 60 days after death.

3. The notice must:

(a) Be in writing;

(b) Contain the name and address of the injured employee;

(c) State in ordinary language the time, place, nature and cause of the injury; and

(d) Be signed by the injured employee or by a person in his behalf, or in case of death, by one or more of his dependents or by a person on their behalf.

4. No proceeding under this chapter for compensation for an injury may be maintained unless the injured employee, or someone on his behalf, files

with the insurer a claim for compensation with respect to the injury within 90 days after the happening of the accident, or, in the case of death, within 1 year after death.

5. The notice required by this section must be served by delivery of a copy of the notice, or by mailing a copy thereof in a sealed postpaid envelope addressed to the insurer. Such mailing constitutes complete service.

6. Failure to give notice or to file a claim for compensation within the time specified in this section is a bar to any claim for compensation under this chapter, but such failure may be excused by the insurer on one or more of the following grounds:

(a) That notice for some sufficient reason could not have been made.

(b) That failure to give notice will not result in an unwarrantable charge against the state insurance fund.

(c) That failure to give notice was because of the employee's or beneficiary's mistake or ignorance of fact or of law, or of his physical or mental inability, or to fraud, misrepresentation or deceit.

7. The insurer [must either] *shall* accept or deny responsibility for compensation under this chapter or chapter 617 of NRS within [30] *14 working* days after the notice provided for in this section is received. If additional information is necessary to determine liability, the [insurer] *administrator* may *, for good cause shown,* extend the period to [60] *45* days upon notice to the claimant . [if the administrator approves.] If additional information is still necessary, the [insurer] *administrator* may grant a further extension if the [administrator approves and the] claimant gives his written consent, but the total period may not be extended to more than 90 days.

Sec. 72. NRS 616.500 is hereby amended to read as follows:

616.500 1. Notice of the injury for which compensation is payable under this chapter must be given to the insurer as soon as practicable, but within 30 days after the [happening of the] accident.

2. In [case of] *the event of the* death of the employee resulting from the injury, notice must be given to the insurer as soon as practicable, but within [60] *30* days after death.

3. The notice must:

(a) Be in writing;

(b) Contain the name and address of the injured employee;

(c) [State] *Contain a statement* in ordinary language *of* the time, place, nature and cause of the injury; and

(d) Be signed by the injured employee or by a person [in] *on* his behalf, or in [case of] *the event of the employee's* death, by one or more of his dependents or by a person on their behalf.

4. No proceeding under this chapter for compensation for an injury may be maintained unless the injured employee, or someone on his behalf, files with the insurer a claim for compensation with respect to the injury within 90 days after the [happening of the] accident, or, in the [case of] *event of the employee's* death, within 1 year after death.

5. The notice required by this section must be served by delivery of a copy of the notice, or by mailing a copy thereof in a sealed postpaid envelope addressed to the insurer. Such mailing constitutes complete service.

6. Failure to give notice or to file a claim for compensation within the time specified in this section is a bar to any claim for compensation under this chapter, but such failure may be excused by the insurer on one or more of the following grounds:

(a) *That there was good cause for the failure to give notice or file the claim.*

*(b)* That notice for some sufficient reason could not have been made.

[(b)] *(c)* That failure to give notice will not result in an unwarrantable charge against the state insurance fund.

[(c)] *(d)* That failure to give notice was because of the employee's or beneficiary's mistake or ignorance of fact or of law, or of his physical or mental inability, or [to] *because of* fraud, misrepresentation or deceit.

7. The insurer shall accept or deny responsibility for compensation under this chapter or chapter 617 of NRS within 14 working days after the notice provided for in this section is received. If additional information is necessary to determine liability, the administrator may, [for] *upon* good cause shown [,] *by the insurer,* extend the period to 45 days upon notice to the claimant. If additional information is still necessary, the administrator may *, upon good cause shown by the insurer,* grant a further extension if the claimant gives his written consent, but the total period may not be extended to more than [90] *75* days.

Sec. 73. NRS 616.502 is hereby amended to read as follows:

616.502 *1.* The insurer may not [:

1. Deny responsibility under this chapter for any charges for treatment of the injuries or disease of an employee solely because the treatment was provided by a physician or chiropractor who is not a member of the panel of physicians and chiropractors.

2. In] *, in* accepting responsibility for any [such] charges, use fee schedules which unfairly discriminate among physicians and chiropractors.

*2. If a physician or chiropractor is removed from the panel established pursuant to NRS 616.342, he must not be paid for any services rendered to the injured employee after the date of his removal.*

Sec. 74. NRS 616.541 is hereby amended to read as follows:

616.541 1. The chief of the hearings division of the department of administration [may] *:*

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

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

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

Sec. 75. NRS 616.5412 is hereby amended to read as follows:

616.5412 1. Any person who is subject to the jurisdiction of the hearing officers [under] *pursuant to* this chapter or chapter 617 of NRS may request a hearing before a hearing officer of any matter within his authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. A person who is aggrieved by:

(a) A *written* determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must be filed within 60 days after the date on which the notice of its determination was mailed by the insurer or the unanswered written request was mailed to the insurer, as applicable. Except as otherwise provided in subsection 7 of NRS 616.500, the failure of an insurer to respond to a written request *for a determination within 30 days after receipt of such a request* shall be deemed by the hearing officer to be a denial of the request.

3. Failure to file a request for a hearing within the period specified in subsection 2 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

4. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.

Sec. 76. NRS 616.5416 is hereby amended to read as follows:

616.5416 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request; [and]

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled [.] *; and*

*(c) Conduct hearings expeditiously and informally.*

2. *The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada attorney for injured workers.*

*3.* If necessary to resolve a medical question concerning an injured employee's condition, the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a physician or chiropractor designated by the administrator. The insurer shall pay the costs of any medical examination requested by the hearing officer.

[3.] *4. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.*

*5.* The hearing officer shall render his decision within [15] *7* days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

[4.] *6. The hearing officer shall render his decision in the most efficient format developed by the chief of the hearings division of the department of administration.*

*7.* The hearing officer shall give notice of his decision to each party by mail. He [must] *shall* include with the notice of his decision the necessary forms for appealing from the decision.

[5.] *8.* The decision of the hearing officer is not stayed if an appeal from that decision is taken unless a stay is granted by the hearing officer or an appeals officer within [30] *15* days after the date on which the decision was rendered.

Sec. 77. NRS 616.5422 is hereby amended to read as follows:

616.5422 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by filing a notice of appeal with an appeals officer within [60] *30* days after the date of the decision.

2. The filing of a notice of appeal does not automatically stay the enforcement of the decision of the hearing officer. The appeals officer may order a stay, when appropriate, upon the application of a party.

3. The appeals officer shall, within 10 days after receiving a notice of appeal, schedule a hearing for a date and time within [60] *45* days after his receipt of the notice and give notice by mail or by personal service to all parties to the appeal and their attorneys or agents at least 30 days before the date and time scheduled.

4. An appeal may be continued upon written stipulation of all parties, or upon good cause shown . [, but not for more than 45 days after the date of the stipulation. Notice of continuance must be given by mail or by personal service to all interested parties.]

5. Failure to file a notice of appeal within the period specified in subsection 1 may be excused if the party aggrieved shows by a preponderance of the evidence that he did not receive the notice of the decision and the forms necessary to appeal the decision. The claimant, employer or insurer shall notify the hearing officer of a change of address.

Sec. 78. NRS 616.5426 is hereby amended to read as follows:

616.5426 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If necessary to resolve a medical question concerning an injured employee's condition, the appeals officer may refer the employee to a physician or chiropractor chosen by the appeals officer. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a physician *or chiropractor* designated by the administrator. The insurer shall pay the costs of any examination requested by the appeals officer.

4. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

5. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

6. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.

Sec. 79. NRS 616.560 is hereby amended to read as follows:

616.560 1. When an employee coming under the provisions of this chapter receives an injury for which compensation is payable under this chapter and which [injury] was caused under circumstances creating a legal liability in some person, other than the employer or a person in the same employ, to pay damages in respect thereof:

(a) The injured employee, or in case of death, his dependents, may take proceedings against that person to recover damages, but the amount of the compensation to which the injured employee or his dependents are entitled under this chapter, including any future compensation under this chapter, must be reduced by the amount of the damages recovered, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

(b) If the injured employee, or in case of death his dependents, receive compensation under this chapter, the insurer *, or in case of claims involving the uninsured employers' claim fund or the subsequent injury fund, the administrator,* has a right of action against the person so liable to pay damages and is subrogated to the rights of the injured employee or of his dependents to recover therefor. In any action or proceedings taken by the insurer *or the administrator* under this section , evidence of the amount of compensation, accident benefits and other expenditures which the insurer [has] *, the uninsured employers' claim fund or the subsequent injury fund have* paid or become obligated to pay by reason of the injury or death of the employee is admissible. If in such action or proceedings the insurer *or the administrator* recovers more than [the amounts it has paid or become obligated to pay as compensation,] *those amounts,* the excess must be paid to the injured employee or his dependents.

(c) The injured employee, or in case of death his dependents, shall first notify the insurer *, or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator,* in writing of any action or proceedings, pursuant to this section, to be taken by the employee or his dependents.

2. In any case where the insurer *or the administrator* is subrogated to the rights of the injured employee or of his dependents as provided in subsection 1, the insurer *or the administrator* has a lien upon the total proceeds of any

recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his death his dependents, are not entitled to double recovery for the same injury, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

3. The lien provided for under subsection 2 includes the total compensation expenditure incurred by the insurer , *the uninsured employers' claim fund or the subsequent injury fund* for the injured employee and his dependents.

4. Within 15 days of the date of recovery by way of actual receipt of the proceeds of the judgment, settlement or otherwise, the injured employee or his representative shall notify the insurer , *or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator,* of [such] *the* recovery and pay to the insurer *or the administrator, respectively,* the amount due under this section together with an itemized statement showing the distribution of the total recovery.

5. In any trial of an action by the injured employee, or in the case of his death by his dependents, against a person other than the employer or a person in the same employ, the jury shall receive proof of the amount of all payments made or to be made by the insurer [.] *or the administrator.* The court shall instruct the jury substantially as follows:

[(a)]

"Payment of workmen's compensation benefits by the insurer , *or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator,* is based upon the fact that a compensable industrial accident occurred, and does not depend upon blame or fault. If the plaintiff does not obtain a judgment in his favor in this case, he is not required to repay his employer , [or] the insurer *or the administrator* any amount paid to him or paid on his behalf by his employer , [or by] the insurer ["; and

(b) "] *or the administrator.*

If you decide that the plaintiff is entitled to judgment against the defendant, you shall find his damages in accordance with the court's instructions on damages and return your verdict in the plaintiff's favor in the amount so found without deducting the amount of any compensation benefits paid to or for the plaintiff. The law provides a means by which any compensation benefits will be repaid from your award."

Sec. 80. NRS 616.565 is hereby amended to read as follows:

616.565 1. [No compensation under] *Compensation is not payable pursuant to the provisions of* this chapter [may be allowed] for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication [.] , *whether by alcohol or a controlled substance.* If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

2. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability [may be] *is* aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

3. If any employee persists in [insanitary or injurious practices which tend to either imperil or retard] *an unsanitary or injurious practice that imperils or retards* his recovery, or refuses to submit to such medical or surgical treatment as is [reasonably essential] *necessary* to promote his recovery, his compensation may be reduced or suspended.

Sec. 81. NRS 616.567 is hereby amended to read as follows:

616.567 1. When the insurer determines that a [case] *claim* should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the [case] *claim* to the claimant by [United States] *first-class* mail addressed to the last known address of the claimant. The notice must include a statement that the claimant has a right to a hearing before a hearing officer on the closing of his [case,] *claim,* and that he may request a hearing, in writing, on the form provided with the notice, within 60 days after the date on which the notice was mailed by the insurer. A suitable form for requesting a hearing must be enclosed with the notice. *The closure of a claim is not effective unless notice is given as required by this subsection.*

2. If the insurer does not receive a request for a hearing before a hearing officer within 60 days after mailing the notice, it may close the [case.] *claim.* Upon receiving a request for a hearing, the insurer shall treat the [case] *claim* as a contested case for the purposes of the hearing.

*3. Notwithstanding the provisions of NRS 233B.125, in any hearing conducted pursuant to this section, the decision of the hearing officer may be served by first-class mail.*

Sec. 82. NRS 616.585 is hereby amended to read as follows:

616.585 1. Every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. *If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability.*

*3.* Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

[3.] *4.* For purposes of benefits for a temporary total disability under this section, the period of temporary total disability ceases when any physician or chiropractor determines that the employee is capable of any gainful employment.

Sec. 83. NRS 616.585 is hereby amended to read as follows:

616.585 1. Every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in

the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66 2/3 percent of the average monthly wage.

2. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability.

3. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

4. For purposes of *the payment of* benefits for a temporary total disability under this section, the period of temporary total disability ceases when any physician or chiropractor determines that the employee is capable of any gainful employment.

*5. Each insurer shall, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the department for the injured employee to request continued compensation for the temporary total disability.*

*6. The insurer shall issue to the injured employee, not less than 6 working days before the beginning of the period specified in the form, a check for the compensation due the employee for that period, if:*

*(a) The injured employee has completed and returned the form to the insurer; or*

*(b) There is documentation with the insurer which indicates a continuing disability.*

*A check shall be deemed delivered upon the date that it is postmarked, if it is properly addressed and the postage is prepaid.*

Sec. 84. NRS 616.605 is hereby amended to read as follows:

616.605 1. Every employee, in the employ of an employer within the provisions of this chapter, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section "disability" and "impairment of the whole man" are equivalent terms.

2. The insurer shall select a physician *or chiropractor* from a group of rating physicians *and chiropractors* designated by the administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment [in the form most recently published and supplemented before January 1, 1986. The department may supplement this publication by adopting regulations for a supplemental guide.] *as adopted and supplemented by the department pursuant to subsection 3 of NRS 616.427.*

3. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

4. Each 1 percent of impairment of the whole man must be compensated by a monthly payment of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981, and 0.6 percent for injuries sustained on or after July 1, 1981. Compensation must commence on the

date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

5. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

6. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

7. The department may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

8. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

9. This section does not entitle any person to double payments for the death of a workman and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 85. NRS 616.605 is hereby amended to read as follows:

616.605 1. Every employee, in the employ of an employer within the provisions of this chapter, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section "disability" and "impairment of the whole man" are equivalent terms.

2. *Within 7 days after receiving from the treating physician or chiropractor chosen pursuant to NRS 616.342 a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with a rating physician or chiropractor to determine the extent of the employee's disability.* The insurer shall select a physician or chiropractor from a group of rating physicians and chiropractors designated by the administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department pursuant to subsection 3 of NRS 616.427. *Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the administrator, according to their area of specialization and the order in which their names appear on the list.*

3. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

4. *The rating physician or chiropractor shall provide the insurer with his evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:*

*(a) Of the compensation to which he is entitled pursuant to this section; or*

*(b) That he is not entitled to benefits for permanent partial disability.*

*5.* Each 1 percent of impairment of the whole man must be compensated by a monthly payment of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981, and 0.6 percent for injuries sustained on or after July 1, 1981. Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

[5.] *6.* Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

[6.] *7.* Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

[7.] *8.* The department may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

[8.] *9.* The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

[9.] *10.* This section does not entitle any person to double payments for the death of a workman and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 86. NRS 616.607 is hereby amended to read as follows:

616.607 1. Except as otherwise provided in NRS 616.5435, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616.615, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum, all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to reopen his claim according to the provisions of NRS 616.545; and

(b) Any counseling, training or other rehabilitative services provided by the insurer.

The claimant must be advised in writing of the provisions of this subsection when he demands his payment in a lump sum, and has 20 days after the mailing or personal delivery of this notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

3. Any lump sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his permanent partial disability before electing to receive his payment for that disability in a lump sum, the lump sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection [4] *5* of NRS 616.605 and actuarial annuity tables adopted by the department. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump sum payment.

Sec. 87. NRS 616.620 is hereby amended to read as follows:

616.620 Except as otherwise provided by NRS 616.5435, 616.607 and 616.615, *and section 32 of this act,* the insurer shall not make or allow any lump-sum settlements.

Sec. 88. NRS 616.623 is hereby amended to read as follows:

616.623 *1.* Every injured employee, widow, widower or dependent, within the provisions of this chapter, is entitled to receive from a qualified employee of the insurer an explanation of the various alternatives implicit in lump sum compensation or other settlement [under] *pursuant to* this chapter and the long-range effects of a determination made as to one or the other kind of settlement.

*2. The insurer shall provide a written explanation of the alternatives pursuant to subsection 1.*

*3. Upon selecting an alternative, the injured employee, widow, widower or dependent shall provide his selection in writing to the insurer.*

Sec. 89. NRS 616.630 is hereby amended to read as follows:

616.630 1. [If any] *Any* employer within the provisions of NRS 616.285 *who* fails to provide and secure compensation [under] *as required by* the terms of this chapter, [he shall be fined not more than $500 for each offense.] *is:*

*(a) For the first offense, guilty of a misdemeanor.*

*(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a gross misdemeanor.*

2. If the administrator or interested employee complains to the district attorney of any county that an employer in his county has violated the provisions of this section, the district attorney shall investigate the complaint. If, after investigation, [he finds that the complaint is well founded,] *the district attorney determines that a violation of this section may be proven beyond a reasonable doubt,* he shall prosecute the employer for the offense [.] *regardless of whether a civil penalty is imposed or may be imposed.*

3. If the administrator or interested employee complains to the attorney general of any neglect of any district attorney in the [premises,] *performance of his duties pursuant to subsection 2,* the attorney general shall investigate the complaint. If, after investigation, [he finds that the complaint is well founded,] *the attorney general determines that:*

*(a) A violation of this section may be proven beyond a reasonable doubt, he shall prosecute the employer for the offense regardless of whether a civil penalty is imposed or may be imposed.*

*(b) The district attorney has neglected to perform his duties pursuant to subsection 2,* he shall forthwith institute proceedings against the district attorney as for a misdemeanor or to remove him from office.

4. The duty of the district attorney and of the attorney general must be enforced as to procedure in the same manner as is provided in the case of actions for the protection and benefit of employees as provided in NRS 607.160 and 607.200.

Sec. 90. NRS 616.635 is hereby amended to read as follows:

616.635 1. If the manager finds that any employer or any employee, officer or agent of any employer has willfully made a false statement or has willfully failed to report a material fact concerning the amount of payroll upon which a premium is based, he shall make a determination thereon and charge the employer's account an amount equal to three times the amount of the premium due. The manager shall mail a copy of his determination to the employer.

2. An employer who is aggrieved by the manager's determination may appeal from the determination by filing a request for a hearing. The request must be filed within 30 days after the date on which a copy of the determination was mailed to the employer. The manager shall hold a hearing within 30 days after he receives the request. The determination of the manager made pursuant to a hearing is a final decision for the purposes of judicial review.

*3. A person who willfully makes a false statement or representation or who willfully fails to report a material fact concerning the amount of payroll upon which a premium is based is guilty of a gross misdemeanor. Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.*

Sec. 91. NRS 616.640 is hereby amended to read as follows:

616.640 1. It is unlawful for an employer to make any charge against any employee or to deduct from the wages of any employee any sum of money to meet the costs, in whole or in part, of the liability incurred by the employer by reason of his acceptance or rejection of this chapter. [Any employer who makes a deduction for that purpose from the salary or wage of any employee shall be fined not more than $500 for each offense.]

2. Any employer violating this section shall be prosecuted upon complaint of any employee who submits proper evidence of a violation.

Sec. 92. NRS 616.647 is hereby amended to read as follows:

616.647 1. If the administrator has reason to believe that an insurer , *health care provider, third-party administrator* or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with regulations of the department for the acceptance and rejection of claims, determination and calculation of a claimant's average monthly wage, determination and payment of compensation, delivery of accident benefits and reporting relating to these matters; [or]

(h) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS [,] *; or*

*(i) Failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,*

the administrator shall set a date for a hearing. The date must be no sooner than 30 days after notice is served upon the insurer or employer of the alleged action and the time and place of the hearing.

2. If, after an evidentiary hearing, the administrator determines that the insurer or employer has committed the alleged act, the administrator may [impose an] *issue a notice of violation imposing a proposed* administrative fine of:

(a) Not more than [$100] *$250* for each initial [act in] violation of [paragraph (g) of] subsection 1 which was not intentional; or

(b) Not more than $1,000 for each intentional or repeated [act in] violation of [paragraph (g) of] subsection 1 . [; or

(c) Not more than $1,000 for each act in violation of any other provisions of subsection 1.]

*3. In addition to any fine imposed pursuant to subsection 2, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.*

*4. If a person wishes to contest a notice of violation issued pursuant to subsection 2, he must file a notice of appeal with the division within 30 days after the notice is issued, showing why the proposed fine should not be imposed against him.*

*5. If a notice of appeal is filed as required by subsection 4, the administrator shall issue a complaint setting forth the factual basis for his determination that a violation has occurred. The person against whom a complaint is issued shall file an answer to the complaint within 30 days after the complaint is issued. The answer must be accompanied by any documentary evidence upon which the person relies and, if the person desires a hearing on the matter, by a request for hearing. If an answer and a request for hearing are filed as required by this subsection, the administrator shall set a date for a hearing on the matter, which must be no sooner than 30 days after the answer and request for hearing are filed.*

*6. If a notice of appeal or an answer is not filed as required by this section, the notice of violation shall be deemed a final order and is not subject to review by any court or agency.*

*7. A hearing held pursuant to this section must be conducted by the administrator or a person designated by him.* A record of the hearing must be kept but it need not be transcribed unless it is requested by the [insurer or employer and he] *person against whom the order or notice of violation has been issued and that person* pays the cost of transcription.

[4.] *8. An administrative fine imposed pursuant to this section must be paid to the division. If the violation for which the fine is levied was committed by a person while acting within the course and scope or his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.*

*9.* Two or more fines of $1,000 levied by the administrator in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the [possible] revocation of a certificate of self-insurance.

[5.] *10.* The commissioner may withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer:

(a) Intentionally or repeatedly [committed any of the acts enumerated in] *violated the provisions of* paragraph (g) of subsection 1; or

(b) [Committed any acts in violation of] *Violated* any other [provisions] *provision* of subsection 1.

Sec. 93. NRS 616.655 is hereby amended to read as follows:

616.655 Any employer who fails:

1. To post the notice required by NRS 616.305 [shall be] *in a place that is readily accessible and visible to employees is* guilty of a misdemeanor.

2. To maintain the notice or notices required by NRS 616.305 [shall be] *is* guilty of a misdemeanor.

Sec. 94. Chapter 617 of NRS is hereby amended by adding thereto the provisions set forth as sections 95, 96 and 97 of this act.

Sec. 95. *A principal contractor is not liable for the payment of compensation for any occupational disease contracted by any independent contractor or any employee of an independent contractor if:*

*1. The contract between the principal contractor and the independent contractor is in writing and the contract provides that the independent contractor agrees to maintain coverage for industrial insurance pursuant to this chapter;*

*2. Proof of such coverage is provided to the principal contractor;*

*3. The principal contractor is not engaged in any construction project; and*

*4. The independent contractor is not in the same trade, business, profession or occupation as the principal contractor.*

Sec. 96. *1. A person is not an employer for the purposes of this chapter if:*

*(a) He enters into a contract with another person or business which is an independent enterprise; and*

*(b) He is not in the same trade, business, profession or occupation as the independent enterprise.*

*2. As used in this section, "independent enterprise" means a person who holds himself out as being engaged in a separate business and:*

*(a) Holds a business or occupational license in his own name; or*

*(b) Owns, rents or leases property used in furtherance of his business.*

*3. The provisions of this section do not apply to a principal contractor who is licensed pursuant to chapter 624 of NRS.*

Sec. 97. *1. An illness related to stress is an occupational disease and is compensable as such when contracted by an employee and when arising out of and in the course of the employment.*

*2. An illness related to stress shall be deemed to arise out of and in the course of the employment only if, in addition to the factors set forth in subsection 1 of NRS 617.440, the employee proves by competent medical or psychiatric evidence that:*

*(a) He has an illness related to stress;*

*(b) The conditions at his place of employment were the primary cause of the illness; and*

*(c) The illness was not caused by his layoff, termination of his employment or disciplinary action taken against him.*

*3. As used in this section "illness related to stress" means a mental disorder resulting from mental stress.*

Sec. 98. NRS 617.100 is hereby amended to read as follows:

617.100 [Subcontractors and their employees] *Except as otherwise provided in section 96 of this act, subcontractors, independent contractors and the employees of either* shall be deemed to be employees of the principal contractor [.] *for the purposes of this chapter.*

Sec. 99. NRS 617.275 is hereby amended to read as follows:

617.275 1. If an employee who has been hired [and] *or* who is regularly employed in this state contracts an occupational disease arising out of and in the course of his employment, and his employer has failed to provide mandatory coverage for occupational diseases, the employee may elect to receive compensation [under the provisions of this chapter] *from the uninsured employers' claim fund* by:

(a) *Filing a claim for compensation with the system;*

*(b)* Filing a written notice of his election with the [administrator; and

(b)] *division; and*

*(c)* Making an irrevocable assignment to the [administrator] *division* of his right of action against the uninsured employer.

*2. If the system receives a claim pursuant to subsection 1, the system shall immediately:*

*(a) Notify the employer of the claim;*

*(b) Deliver to the claimant any forms necessary to make a claim pursuant to this section; and*

*(c) Notify the division of the claim by sending a copy of the claim, any evidence regarding the claim and any evidence indicating that the employer was uninsured.*

*3. For the purposes of this section, the employer has the burden of proving that he provided mandatory coverage for occupational diseases for the employee.*

*4.* Any employer who has failed to provide mandatory coverage required [under] *by* the provisions of this chapter [may not escape liability in any action brought by the employee or the administrator by asserting any of the defenses enumerated in subsection 3 of NRS 616.375 and the presumption of negligence set forth in that subsection is applicable.

3. The administrator shall assign a claim of an employee of an uninsured employer to the system for settlement and the payment of benefits and shall reimburse the system for claims adjusted and benefits paid.

4. A self-insured employer must] *is liable for all payments made on his behalf, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim fund or incurred by the division or department.*

*5. The division:*

*(a) May recover from the employer the payments described in subsection 4 and any accrued interest by bringing a civil action in district court.*

*(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.*

*(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.*

*(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.*

*6. The division shall determine whether the employer was insured within 30 days after receiving notice of the claim from the employee. Upon determining that a claim is valid, the division shall assign the claim to the system for administration of the claim, payment of benefits and reimbursement of costs of administration and benefits paid to the system. Upon determining that a claim is invalid, the division shall notify the claimant, the named employer and the system that the claim will not be assigned for benefits from the uninsured employers' claim fund.*

*7. Any party aggrieved by a decision regarding the administration of an assigned claim or a decision made by the division or by the system regarding any claim made pursuant to this section may appeal that decision within 60 days after the decision is rendered to the hearings division of the department of administration in the manner provided by NRS 616.5412 to 616.544, inclusive.*

*8. All insurers shall* bear a proportionate amount of a claim made pursuant to this chapter, and [is] *are* entitled to a proportionate amount of [the assignment] *any collection* made pursuant to this section [.] *as an offset against future liabilities.*

*9. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.*

*10. Attorney's fees recoverable by the division pursuant to this section must be:*

*(a) If a private attorney is retained by the department, paid at the usual and customary rate for that attorney.*

*(b) If the attorney is an employee of the department, paid at the rate established by regulations adopted by the department.*

*Any money collected must be deposited to the uninsured employers' claim fund.*

Sec. 100. NRS 617.459 is hereby amended to read as follows:

617.459 1. The percentage of disability resulting from an occupational disease of the heart or lungs must be determined jointly by the claimant's attending physician and the examining physician designated by the insurer, in accordance with the American Medical Association's Guides to the

Evaluation of Permanent Impairment [in the form most recently published and supplemented before January 1, 1986.] *as adopted and supplemented by the department pursuant to subsection 3 of NRS 616.427.*

2. If the claimant's attending physician and the designated examining physician do not agree upon the percentage of disability, they shall designate a physician specializing in the branch of medicine which pertains to the disease in question to make the determination. If they do not agree upon the designation of such a physician, each shall choose one physician so specializing, and two physicians so chosen shall choose a third specialist in that branch. The resulting panel of three physicians shall, by majority vote, determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment [in the form most recently published and supplemented before January 1, 1986.] *as adopted and supplemented by the department pursuant to subsection 3 of NRS 616.427.*

Sec. 101. NRS 617.490 is hereby amended to read as follows:

617.490 [1.] If any employer fails to provide and secure compensation under this chapter, any employee contracting an occupational disease as provided in this chapter, or, in case of death, his dependents, may bring an action at law against the employer for damages as if this chapter did not apply.

[2. Such employer shall also be fined not more than $500 for each offense.]

Sec. 102. Chapter 618 of NRS is hereby amended by adding thereto the provisions set forth as sections 103, 104 and 105 of this act.

Sec. 103. *The division of preventative safety of the department of industrial relations shall:*

*1. Develop a program of eliminating or abating hazards;*

*2. Advise and recommend a program of occupational safety and health applicable to public and state agencies; and*

*3. Provide for safety inspections and furnish advisory services to employers on measures to promote industrial safety and health.*

Sec. 104. *1. Every employer shall, upon hiring an employee, provide the employee with a document or videotape setting forth the rights and responsibilities of employers and employees to promote safety in the workplace. The document, or evidence of receipt of the videotape, must be signed by the employer and employee and placed in the employee's personnel file. The document or videotape shall not be deemed to be a part of any employment contract.*

*2. The division of preventative safety of the department of industrial relations shall adopt regulations specifying the contents of such a document and establishing requirements for issuing the document in different languages.*

Sec. 105. *1. Any accident occurring in the course of employment which is fatal to one or more employees or which results in the hospitalization of*

*five or more employees must be reported by the employer orally or in writing to the nearest office of the division within 48 hours after the accident has occurred.*

*2. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.*

*3. The division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as he may from time to time require.*

*4. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the division.*

Sec. 106. NRS 618.029 is hereby amended to read as follows:

618.029 "Administrator" means the administrator of the division . [of occupational safety and health of the department of industrial relations.]

Sec. 107. NRS 618.069 is hereby amended to read as follows:

618.069 "Division" means the division of [occupational] *enforcement for industrial* safety and health of the department of industrial relations.

Sec. 108. NRS 618.225 is hereby amended to read as follows:

618.225 1. The division [,] *of preventative safety of the department of industrial relations,* after consultation with cooperating state agencies, shall [conduct] *:*

*(a) Conduct* directly or by grants or contracts:

[(a)] *(1)* Educational programs to provide an adequate supply of qualified personnel to carry out the purposes of this chapter.

[(b)] *(2)* Informational programs on the importance of and proper use of adequate safety and health equipment [.

2. The division, in consultation with cooperating state agencies, shall:

(a)] *in the workplace.*

*(b)* Provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe or unhealthful working conditions in employments covered by this chapter . [; and

(b)] *(c)* Consult with and advise employers and employees and organizations representing employers and employees as to effective means of preventing occupational injuries and diseases. Consultative services must not detract from the enforcement efforts.

*2. The department shall request competitive bids for the development of educational and informational programs required by this section.*

*3. The department shall allocate to the division of preventative safety the money necessary to carry out the educational and informational programs required by this section.*

Sec. 109. NRS 618.275 is hereby amended to read as follows:

618.275 1. The division shall have a seal upon which [will] *must* be the words "Division of [Occupational] *Enforcement for Industrial* Safety and Health," by which seal it shall authenticate its proceedings and orders.

2. All papers executed under the seal must be admitted in evidence without further authentication or proof.

Sec. 110. NRS 618.345 is hereby amended to read as follows:

618.345 1. The division *of preventative safety of the department of industrial relations* shall develop and maintain an effective program of collection, compilation and analysis of occupational safety and health statistics. This program may, at the discretion of the department, cover all employments.

2. To carry out the provisions of subsection 1, the division *of preventative safety* may promote, encourage or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

[3. Any accident occurring in the course of employment which is fatal to one or more employees or which results in the hospitalization of five or more employees must be reported by the employer orally or in writing to the nearest office of the division within 48 hours after the accident has occurred.

4. All employers shall maintain accurate records and make reports to the United States Assistant Secretary of Labor in the same manner and to the same extent as if this chapter were not in effect.

5. The division shall make such reasonable reports to the Assistant Secretary of Labor in such form and containing such information as he may from time to time require.

6. Requests for variances to federal recordkeeping and reporting regulations must be submitted to and obtained from the Bureau of Labor Statistics, United States Department of Labor. All variances granted by the Bureau of Labor Statistics must be respected by the division.]

Sec. 111. NRS 618.375 is hereby amended to read as follows:

618.375 Every employer shall:

1. Furnish employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

2. Furnish and use such safety devices and safeguards, and adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and places of employment safe and comply with all orders issued by the division.

3. Post prominently in the working place all posters and information provided by the [division] *department* informing employees of their rights and obligations [under] *pursuant to* this chapter.

4. Assign at least one person to be in charge of occupational safety and health.

5. Do every other thing reasonably necessary to protect the lives, safety and health of employees.

Sec. 112. NRS 618.445 is hereby amended to read as follows:

618.445 1. A person shall not discharge or in any manner discriminate against any employee because the employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this

chapter or has testified or is about to testify in any such proceeding or because of the exercise by the employee on behalf of himself or others of any right afforded by this chapter.

2. Any employee aggrieved by a violation of subsection 1 may file a complaint for the relief afforded under subsection 3, after first notifying his employer and the division of his intention to file the complaint. Any complaint must be filed with the division within 30 days after the violation has occurred and must set forth in writing the facts constituting the violation.

3. Upon receipt of the complaint by the division, the administrator shall cause such investigation to be made as he deems appropriate. If upon investigation, the administrator determines that the provisions of subsection 1 have been violated, he shall bring an action *in the name of the administrator* in any appropriate district court against the person who has committed the violation.

4. If the court finds that the employee was discharged or discriminated against in violation of subsection 1, the employee is entitled to reinstatement and reimbursement for lost wages and work benefits.

5. Any decision reached by the administrator relating to the filing of an action [under] *pursuant to* this section must be made available to the complaining employee within 90 days [from] *after* the division's receipt of the complaint.

Sec. 113. NRS 232.560 is hereby amended to read as follows:

232.560 1. The department of industrial relations is hereby created.

2. The department consists of a director and the following divisions:

(a) The division of administrative services.

(b) The division of [occupational] *enforcement for industrial* safety and health.

(c) The division of mine inspection.

(d) The division of industrial insurance regulation.

*(e) The division of preventative safety.*

Sec. 114. NRS 232.600 is hereby amended to read as follows:

232.600 1. The council shall act in an advisory capacity to the director and may, on its own initiative or at the request of the director, conduct studies or investigations concerning the organization and administration of the department and its divisions and make recommendations to the director based on the results of such studies or investigations.

2. The council shall review on a quarterly basis the records of oral complaints compiled by the division pursuant to NRS 618.336. Upon completing its review, the council shall submit any comments or recommendations regarding the complaints or the records to the director.

*3. The council, by the affirmative vote of a majority of its members, may remove from the records of the department the name of a debtor and the amount of any debt owed by him, if 3 years have elapsed since the debt was incurred and the council determines that the debt remains impossible or*

*impractical to collect. The department shall establish a master file containing the information removed from its official records pursuant to this subsection.*

Sec. 115. NRS 232.620 is hereby amended to read as follows:

232.620 The director:

1. Shall appoint administrators of the divisions of the department, subject to the approval of the governor, who are respectively designated as follows:

(a) The administrator of the division of administrative services.

(b) The administrator of the division of [occupational] *enforcement for industrial* safety and health.

(c) The administrator of the division of mine inspection.

(d) The administrator of the division of industrial insurance regulation.

*(e) The administrator of the division of preventative safety.*

2. Is responsible for the administration, through the divisions of the department, of the provisions of chapters 512, 616, 617 and 618 of NRS, and all other provisions of law relating to the functions of the divisions of the department.

3. Has such other powers and duties as are provided by law.

Sec. 116. NRS 232.660 is hereby amended to read as follows:

232.660 1. The director may:

(a) Appoint [an attorney as] *one or more* legal counsel to *provide services for* the department. If appointed, [he is] *they are* in the unclassified service of the state.

(b) Provide for contract services to be rendered by such other legal counsel as are needed for assistance in administering the laws relating to labor and industrial relations.

2. Each of the legal counsel must be an attorney admitted to practice law in Nevada.

3. In the prosecution of all claims and actions referred to him , [by the director,] a legal counsel has the same power as that vested in the district [attorney] *attorneys* of the several counties to enforce the laws relating to labor and industrial relations, except that a legal counsel does not have the authority to prosecute for criminal violations of such laws.

Sec. 117. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the department and its various divisions must be paid from assessments payable by each [insurer] :

*(a) Insurer* based upon expected annual expenditures for claims [.] *; and*

*(b) Employer who provides accident benefits for injured employees pursuant to NRS 616.415, based upon his expected annual expenses of providing those benefits.*

The department [must] *shall* adopt regulations which establish formulas of assessment which result in an equitable distribution of costs among the insurers [.] *and employers who provide accident benefits for injured employees.*

2. Federal grants may partially defray the costs of [:

(a) The division of occupational safety and health;

(b) The division of mine inspection; and

(c) Any other division as may be appropriate.] *the divisions.*

3. Assessments made against insurers by the department after the adoption of regulations must be used to defray all costs and expenses of administering the program of workmen's compensation, including the payment of:

(a) All salaries and other expenses in administering the division of industrial insurance regulation, the division of administrative services, the division of [occupational] *enforcement for industrial* safety and health *, the division of preventative safety* and the division of mine inspection, including the costs of the office and staff of the director.

(b) All salaries and other expenses of administering NRS 616.253 to 616.2539, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) Claims against uninsured employers arising from compliance with NRS 616.377.

Sec. 118. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license without first receiving from the applicant his declaration, under oath, on a form approved by the administrator of the division of industrial insurance regulation of the department of industrial relations, that the business:*

*(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;*

*(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; or*

*(c) Is not subject to the provisions of chapter 616 of NRS.*

*2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the declaration required by subsection 1.*

*3. Each board of county commissioners shall submit to the administrator monthly a list of the names of those businesses which have submitted a declaration required by subsections 1 and 2.*

*4. Upon receiving a declaration required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to section 104 of this act.*

Sec. 119. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license without first receiving from the applicant his declaration,*

*under oath, on a form approved by the administrator of the division of industrial insurance regulation of the department of industrial relations, that the business:*

*(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;*

*(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; or*

*(c) Is not subject to the provisions of chapter 616 of NRS.*

*2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the declaration required by subsection 1.*

*3. Each city council or other governing body of an incorporated city shall submit to the administrator monthly a list of the names of those businesses which have submitted a declaration required by subsections 1 and 2.*

*4. Upon receiving a declaration required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to section 104 of this act.*

Sec. 120. NRS 590.645 is hereby amended to read as follows:

590.645 The division of [occupational] *enforcement for industrial* safety and health of the department of industrial relations may promote safety in the liquefied petroleum gas industry within the state.

Sec. 121. NRS 630.305 is hereby amended to read as follows:

630.305 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Directly or indirectly receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation which is intended or tends to influence the physician's objective evaluation or treatment of a patient.

2. Dividing a fee between licensees except where the patient is informed of the division of fees and the division of fees is made in proportion to the services personally performed and the responsibility assumed by each licensee.

3. Referring a patient to any medical laboratory in which the licensee has a financial interest unless the laboratory is operated solely in connection with the diagnosis and treatment of his own patients.

4. *Referring an injured employee to a health facility in which the licensee has a financial interest unless he first discloses that interest pursuant to section 12 of this act.*

5. Charging for visits to the physician's office which did not occur or for services which were not rendered or documented in the records of the patient.

[5.] *6.* Aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions of this chapter or the regulations of the board.

[6.] *7.* Delegating responsibility for the care of a patient to a person when the licensee knows, or has reason to know, that this person is not qualified to undertake that responsibility.

[7.] *8.* Failing to disclose to a patient any financial or other conflict of interest.

Sec. 122. NRS 630.352 is hereby amended to read as follows:

630.352 1. Any member of the board, except for an advisory member serving on a panel of the board hearing charges, may participate in the final order of the board. If the board, after a formal hearing, determines from clear and convincing evidence, that a violation of the provisions of this chapter or of the regulations of the board has occurred, it shall issue and serve on the physician charged an order, in writing, containing its findings and any sanctions.

2. If the board determines that no violation has occurred, it shall dismiss the charges, in writing, and notify the physician that the charges have been dismissed. If the disciplinary proceedings were instituted against the physician as a result of a complaint filed against him, the board may provide the physician with a copy of the complaint, including the name of the person, if any, who filed the complaint.

3. [If] *Except as otherwise provided in subsection 4, if* the board finds that a violation has occurred, it may by order:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer to him a public reprimand;

(c) Limit his practice or exclude one or more specified branches of medicine from his practice;

(d) Suspend his license for a specified period or until further order of the board;

(e) Revoke his license to practice medicine;

(f) Require him to participate in a program to correct alcohol or drug dependence or any other impairment;

(g) Require supervision of his practice;

(h) Impose a fine not to exceed $5,000;

(i) Require him to perform public service without compensation;

(j) Require him to take a physical or mental examination or an examination testing his competence; and

(k) Require him to fulfill certain training or educational requirements.

*4. If the board finds that the physician has violated the provisions of section 12 of this act, it shall suspend his license for a specified period or until further order of the board.*

Sec. 123. Section 4 of chapter 122, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 4. NRS 616.423 is hereby amended to read as follows;

616.423 1. There is hereby established in the state treasury the fund for workers' compensation and safety [.] *as a special revenue fund.* All money received from assessments levied on insurers and employers by the director pursuant to NRS 232.680 must be deposited in this fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the department for functions supported in whole or in part from the fund must be delivered to the custody of the state treasurer for deposit to the credit of the fund.

3. All money and securities in the fund must be [held in trust by the state treasurer as custodian thereof to be] used solely for workers' compensation and the administration of regulations for *the* safety of employees.

4. The state treasurer may disburse money from the fund only upon written order of the controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any insurer or employer who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 124. NRS 612.343, 616.650 and 616.660 are hereby repealed.

Sec. 125. 1. There is hereby established a legislative committee on industrial insurance consisting of two members of the senate, appointed by the senate majority leader from the members of the senate standing committee on commerce and labor, and two members of the assembly, appointed by the speaker of the assembly from the members of the assembly standing committee on labor and management.

2. The members of the committee shall select the chairman and vice chairman of the committee from among their members.

3. Any member of the committee who does not return to the legislature may continue to serve until the completion of the committee's report.

4. Any vacancy on the committee must be filled by the authority entitled to appoint the member whose position is vacant. The member appointed to fill the vacancy must have the same general qualifications as his predecessor.

5. The members of the committee shall meet no more than four times in 1991 and four times in 1992 at the times and places and in the manner specified by a call of the chairman. Meetings may be held in person or by telephone conference or video telecast. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Three members of the committee constitute a quorum, and a quorum may exercise all the powers conferred on the committee.

6. Except during a special session of the legislature, members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the business of the

committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

7. The salaries and expenses of the members of the committee and any other expenses incurred by the committee in carrying out its duties must be paid from the fund for workers' compensation and safety.

8. The committee may:

(a) Review and evaluate the current laws of this state concerning industrial insurance.

(b) Review and evaluate the implementation of the laws concerning industrial insurance passed by the 66th session of the legislature.

(c) Prepare a report concerning its review and evaluation of those laws.

(d) Submit the report to the governor and the legislative commission before convening of the 67th session of the legislature.

Sec. 126. 1. This section and sections 1 to 17, inclusive, 19 to 47, inclusive, 49 to 54, inclusive, 56, 59, 61 to 64, inclusive, 66 to 69, inclusive, 71, 73, 74, 76 to 82, inclusive, 84, and 87 to 125, inclusive, of this act become effective upon passage and approval.

2. Section 70 of this act becomes effective at 12:01 a.m. on July 1, 1991.

3. Section 18 of this act becomes effective on October 1, 1991.

4. Sections 57, 65 and 72 become effective on July 1, 1992.

5. Sections 48, 55, 58, 60, 75, 83, 85 and 86 of this act become effective on March 1, 1993.".

Amend the title of the bill, 10th line, after the semicolon by inserting: "requiring the periodic auditing of certain industrial insurers; increasing fines for certain violations; establishing a legislative committee on industrial insurance to conduct an interim study of industrial insurance laws;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 320.

The following Senate amendment was read:

Amendment No. 1264.

Amend sec. 2, page 2, by deleting lines 2 through 25 and inserting: "acceptable methods for accounting for money collected pursuant to subsection 1.".

Amend sec. 3, page 2, line 26, by deleting "1.".

Amend sec. 3, page 2, line 28, by deleting "(a)" and inserting "1.".

Amend sec. 3, page 2, line 29, by deleting "(b)" and inserting "2.".

Amend sec. 3, page 2, line 32, by deleting "(c)" and inserting "3.".

Amend sec. 3, page 2, line 33, by deleting "and".

Amend sec. 3, page 2, by deleting line 34 and inserting:

"4. Assist in necessary programs for the management of solid waste; and".

Amend sec. 3, page 2, between lines 34 and 35, by inserting:

"5. Provide grants to local governments in counties whose populations are less than 40,000 to establish and operate recycling centers in areas where there are no centers. The total amount of the grants to such counties must be at least $200,000.".

Amend sec. 3, page 2, by deleting lines 35 through 39.

Amend sec. 4, page 2, line 45, by deleting "trict" and inserting: "trict, health district created pursuant to NRS 439.370".

Amend sec. 4, page 2, between lines 46 and 47, by inserting:

"3. "Recyclable material" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the state environmental commission.

4. "Solid waste" has the meaning ascribed to it in NRS 444.490.

5. "Tire for a vehicle" includes a tire for a motorized vehicle that is 12 inches or larger in diameter, but does not include a recapped tire or used tire which is sold again.".

Amend the bill as a whole by adding new sections designated sections 4.2 and 4.4, following sec. 4, to read as follows:

"Sec. 4.2. 1. The state environmental commission shall adopt regulations establishing minimum standards for:

(a) Separating at the source recyclable material from other solid waste originating from residential premises where services for the collection of solid waste are provided.

(b) Establishing recycling centers for the collection and disposal of recyclable material.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

2. The regulations adopted pursuant to subsection 1 must be adopted with the goal of recycling at least 25 percent of the total solid waste generated within a municipality after the second full year following the adoption of such standards.

3. The state environmental commission shall, by regulation, establish acceptable methods for disposing of used or waste tires.

Sec. 4.4. 1. A person who offers a tire for a vehicle for sale at retail shall post at the point of purchase a written notice which is at least 8½ inches by 11 inches in size and contains the following information:

NOTICE

State law requires us to accept used tires for recycling when new tires are purchased from us.

2. It is unlawful for a person who offers a tire for a vehicle for retail sale to refuse to accept used or waste tires in exchange on the purchase of a new tire. This section does not require the purchaser of a tire to provide a used or waste tire as a condition of his purchase of a new tire. The seller shall comply with the regulations of the state environmental commission regarding the proper disposal of the used or waste tires so collected. In addition to

any other applicable penalty, any person who violates the provisions of this subsection is guilty of a misdemeanor and shall be fined not less than $100 for each day of violation.".

Amend sec. 6, pages 3 and 4, by deleting lines 4 through 48 on page 3 and lines 1 through 12 on page 4 and inserting:

"Sec. 6. 1. The division of environmental protection of the state department of conservation and natural resources shall, by regulation, adopt a model plan for:

(a) Separating at the source recyclable material from other solid waste originating from residential premises where services for the collection of solid waste are provided.

(b) Establishing recycling centers for the collection and disposal of recyclable material in areas where there are no centers.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

(d) The disposal of infectious waste, hazardous waste which is not regulated pursuant to NRS 459.485 and liquid waste which is not regulated pursuant to NRS 445.131 to 445.354, inclusive.

2. The model plans adopted pursuant to subsection 1 must not conflict with the standards adopted by the state environmental commission pursuant to section 4.2 of this act.".

Amend sec. 7, page 4, by deleting lines 13 through 34 and inserting:

"Sec. 7. 1. The board of county commissioners in a county whose population is more than 40,000, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of the programs made available pursuant to paragraph (a) or (b).

2. The board of county commissioners of a county whose population is more than 25,000 but not more than 40,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any program made available pursuant to subparagraph (1) or paragraph (a).

3. The board of county commissioners of a county whose population is not more than 25,000, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any program made available pursuant to paragraph (a) or (b).

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the state environmental commission pursuant to section 4.2 of this act; and

(2) Become effective until approved by the state department of conservation and natural resources.

(b) May be based on the model plans adopted pursuant to section 6 of this act.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.".

Amend sec. 8, pages 4 and 5, by deleting lines 35 through 48 on page 4 and lines 1 through 14 on page 5 and inserting:

"Sec. 8. 1. A county or health district that adopts a program pursuant to section 7 of this act shall:

(a) On or before July 1 of each year, submit a report to the department of the number of tons of material disposed of in the area covered by the program.

(b) Within 6 months after adopting the program, and at least once every 6 months thereafter, notify all persons occupying residential, commercial and

institutional premises within the area covered by the program of the local recycling opportunities and the need to reduce the amount of waste generated.

2. The governing body of a municipality that adopts a program pursuant to section 7 of this act shall:

(a) Adopt such ordinances as are necessary for the enforcement of the program.

(b) At least once every 36 months, conduct a review of the program and make such revisions to the program and any ordinances adopted pursuant thereto as are deemed necessary and appropriate.".

Amend sec. 10.3, page 5, line 21, by deleting "*It*" and inserting: "*Except as otherwise provided in subsection 5, it*".

Amend sec. 10.3, page 5, between lines 44 and 45, by inserting:

"*5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the state department of conservation and natural resources makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the department concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.*".

Amend sec. 18, page 9, by deleting lines 11 through 14 and inserting:

"*4. To encourage the use of post-consumer waste, a bidder who manufactures a product in Nevada that contains post-consumer waste shall be deemed to be the lowest bidder if:*

*(a) At least 50 percent of the product, by weight, contains post-consumer waste;*

*(b) The product complies with the applicable standards; and*

*(c) The amount of the bid is not more than 10 percent higher than the bid of any other bidder.*

*5. A bidder whose product contains post-consumer waste shall certify in writing:*

*(a) That the product contains post-consumer waste; and*

*(b) The percentage of post-consumer waste, by weight, that is contained in the product.*".

Amend sec. 20, page 9, line 37, by deleting "*1.*".

Amend sec. 20, page 9, line 40, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 20, page 9, by deleting lines 42 and 43 and inserting: "*submitted and use in the surfacing mixture at least 15 percent by weight recycled*".

Amend sec. 20, page 9, by deleting lines 46 and 47 and inserting:

"*2. Be comprised of equipment used in highway construction, including, but not limited to, barriers and markers that are made from recycled products.*".

Amend sec. 22, page 11, between lines 9 and 10, by inserting:

"*(i) Recommending to educational institutions courses and curricula relating to recycling and the reduction of waste.*".

Amend sec. 23, page 11, by deleting lines 13 and 14 and inserting:

"Sec. 23. On March 15, 1993, the state controller shall transfer any money in the account for recycling which has not been committed for expenditure before March 15, 1993, to the department of transportation to pay the costs of carrying out the provisions of section 20 of this act.".

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

"Sec. 24. Sections 2 and 3 of this act expire by limitation on March 15, 1993.

Sec. 25. 1. Section 20 of this act becomes effective on March 15, 1993.

2. This section and the remaining sections of this act become effective on January 1, 1992.".

Amend the title of the bill by deleting the second and third lines and inserting: "kinds of solid waste; authorizing the imposition of certain fees;".

Assemblyman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 320.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 424.

The following Senate amendment was read:

Amendment No. 1009.

Amend section 1, page 1, line 4, by deleting "*$7,000,000*" and inserting "*$4,500,000*".

Amend section 1, page 1, line 7, by deleting "*$7,000,000.*" and inserting "*$4,500,000.*".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 424.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Assembly Bill No. 639, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

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

MORSE ARBERRY, JR., *Chairman*

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 304, 453, 562, 591, 636, 650; Senate Bills Nos. 280, 318, 492, 573, 606, 614; Senate Concurrent Resolution No. 63.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bergevin, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Mary Mack, Ms. Maureen Mack and Mr. Brian Parks.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Trev Gore.

On request of Assemblyman McGinness, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Fred Colip and Mrs. Carol Colip.

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Mullin.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 20, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 3:29 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-FIRST DAY

CARSON CITY (Thursday), June 20, 1991

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

"The Lord is my light and my salvation;
Whom shall I fear?
The Lord is the stronghold of my life;
Of whom shall I be afraid?
When evil doers assail me to devour my flesh—
My adversaries and foes—
They shall stumble and fall.
Though an army encamp against me,
My heart shall not fear;
Though war rise up against me,
Yet I will be confident."

Teach us, Lord, to make our decisions based on the confidence that You are our salvation. Then we may rest secure in the knowledge that we have acted with justice.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Senate Bills Nos. 157, 158, 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 18, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 321.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 19, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 269 and requests a conference, and appointed Senators Cook, Smith and Tyler as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 428 and requests a conference, and appointed Senators Titus, Adler and Neal as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 500 and requests a conference, and appointed Senators Shaffer, Getto and O'Connell as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 606 and requests a conference, and appointed Senators Cook, Adler and O'Donnell as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 484.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 655.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 102.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 111, 366, 463, 508, 544, 609.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Adler, Titus and Jacobsen as a first Committee on Conference concerning Senate Bill No. 439.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

Assemblyman Carpenter moved that Assembly Bill No. 799 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 321.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Anderson and Gregory as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 269.

Mr. Speaker appointed Assemblymen Sader, Anderson and Johnson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 428.

Mr. Speaker appointed Assemblymen Arberry, Bennett and Elliott as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 500.

Mr. Speaker appointed Assemblymen Sader, Anderson and Elliott as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 606.

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Anderson and Gregory as a committee to review the status of the Conference Committees.

## SECOND READING AND AMENDMENT

Assembly Bill No. 639.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1332.

Amend the bill as a whole by deleting sections 1 through 11 and the text of repealed sections and adding new sections designated sections 1 and 2, to read as follows:

"Section 1. Chapter 258, Statutes of Nevada 1991, is hereby amended by adding thereto a new section to read as follows:

Sec. 28. This act becomes effective upon passage and approval.

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

Amend the title of the bill to read as follows:

"An Act relating to health care; amending chapter 258, Statutes of Nevada 1991, to advance its effective date; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

Summary—Amends chapter 258, Statutes of Nevada 1991, to advance its effective date. (BDR 40-1226)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 570.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 319:

YEAS—42.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 513.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 513:

YEAS—42.

NAYS—None.

Assembly Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblymen Spitler and Lambert.

Roll call on Assembly Bill No. 514:

YEAS—36.

NAYS—Bayley, Bergevin, Kerns, Lambert, Scherer, Spriggs—6.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblymen Marvel, Freeman and Spitler.

Roll call on Assembly Bill No. 517:

YEAS—30.

NAYS—Bayley, Bergevin, Carpenter, Hardy, Kerns, Lambert, Little, McGaughey, Porter, Scherer, Spriggs, Wong—12.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 574:

YEAS—38.

NAYS—Bergevin, Humke, Kerns, Lambert—4.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:55 a.m.

## ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 319, 513, 514, 517 and 574 be immediately transmitted to the Senate.

Motion carried unanimously.

### GENERAL FILE AND THIRD READING

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 153:

YEAS—42.

NAYS—None.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 160.

Bill read third time.

Remarks by Assemblymen Johnson, Scherer and Sader.

Roll call on Senate Bill No. 160:

YEAS—21.

NAYS—Arberry, Bayley, Bergevin, Carpenter, Evans, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, Marvel, Pettyjohn, Scherer, Spitler, Spriggs, Wong—21.

Senate Bill No. 160 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblyman Bayley.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.

Bill read third time.

Remarks by Assemblymen Price, Stout, Pettyjohn and Spriggs.

Roll call on Senate Bill No. 457:

YEAS—42.

NAYS—None.

Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:15 p.m.

## ASSEMBLY IN SESSION

At 12:16 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Senate Bill No. 506.

Bill read third time.

Remarks by Assemblymen Dini and Humke.

Assemblyman McGaughey requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

I have a statement here I want to read into the record and it will explain this bill. This bill, of course, was a compromise that was worked out.

Senate Bill No. 506, as amended, includes department of wildlife housekeeping amendments including further defining the invalid use of big game tags, redefines residency requirements for licenses, tags and permits, and removes references to "aliens"

regarding eligibility to obtain licenses to hunt or fish, among others. The bill also includes increases in license fees for nonresidents and for resident and nonresident big game tags as part of the money committees' budget package.

A new section from this house, Section 17, directs the department to solicit bids in accordance with state law for the development of its computer program for the issuance of tags for special seasons. It is highly desirable that a new, modernized, more flexible and accessible program be available. The purposes of the changes and improvements being sought by this amendment are to restore public confidence in the fairness and security of the tag drawing system.

The Requests for Proposals will require technical assistance, either interagency or consultant under contract. The department under this amendment shall: first, call for bids through the private sector for the program development only; and then, second, call for bids from the private sector for the running of this new program, or if it finds that the services may be available; third, it calls for bids on both developing and running the program from a single source.

Because of the many unknowns in entering this complex arena, regardless of which way the department proceeds, they need the fallback position of being able to use a public agency if no qualified bids are received. The amendment addresses this option for the computer program and the department understands that the preferred approach is for the private sector to do both facets; program development and running the annual drawing.

Section 17 also directs that the department will, before proceeding with a contract, submit the bid or bids with Interim Finance Committee for advisory review. Further, there is presently under consideration this session S.C.R. No. 46, that if it is implemented, directs the Legislative Commission to conduct an interim study concerning privatization of data processing services for state agencies. Therefore, our amendment may not be the only approach to exploring the feasibility of privatization of the state's data processing activity.

This is a compromise that was worked out among all groups and we think that it allows the department to go forward and improve this system.

ASSEMBLYMAN HUMKE:

Thank you, Madam Speaker pro Tempore. I thought I should say a few words in support of this amended version of S.B. No. 506. I believe that the Speaker has read into the record the legislative intent that another side agrees to. I would just emphasize that while there are safeguards in the bill, as currently drafted, for the possibility when bids cannot be generated to show an interest in a privatized draw. It is the expectation that the Department of Wildlife will go to private bid for all aspects of the drawing and if they do not, we still have the oversight of the Interim Finance Committee and the Board of Examiners before that. I do support the bill. Thank you.

Roll call on Senate Bill No. 506:

YEAS—42.

NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 528.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 528:

YEAS—42.

NAYS—None.

Senate Bill No. 528 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:21 p.m.

## ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Senate Bill No. 535.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1313.

Amend sec. 3, page 1, line 14, by deleting "*The*" and inserting: "*Except as otherwise provided in subsection 3, the*".

Amend sec. 3, page 1, between lines 20 and 21, by inserting:

"*3. The governing body of an incorporated city may submit written notification to the commission of the city's decision that the limitation imposed pursuant to subsection 1 should not be applied within the city. Upon receipt of such a notice, the commission shall not apply the limitation to the city, unless and until subsequent written notification to the contrary is submitted to the commission from the governing body of the city.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Scherer, Stout, Wong, Anderson, Porter, Gregory and Norton.

Conflict of interest declared by Assemblyman Scherer.

Assemblymen Humke, Lambert and Giunchigliani moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1313 to Senate Bill No. 535.

Assemblymen Price, Evans and Carpenter requested a roll call on Assemblyman Price's motion.

Roll call on Assemblyman Price's motion:

YEAS—10.

NAYS—Arberry, Bache, Bennett, Bergevin, Callister, Garner, Gibbons, Giunchigliani, Gregory, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Spitler, Spriggs, Myrna Williams, Wong, Mr. Speaker—30.

Not voting—Scherer, Wendell Williams—2.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1352.

Amend sec. 3, page 1, line 17, after the period by inserting: "*The provisions of this subsection do not prohibit the commission from approving a nonrestricted license for an establishment which desires to operate more than 15 slot machines but fewer than 21 slot machines, if no other game or gaming device is operated at the establishment. A county, city or town shall not deny a gaming license, finding of suitability or approval or otherwise limit an applicant's operation to fewer than 21 slot machines solely because the applicant's establishment does not furnish sleeping accommodations to the transient public or otherwise is not a resort hotel.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment lost.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1314.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 10 and 11 and adding new sections designated sections 5 through 9, following sec. 4, to read as follows:

"Sec. 5. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. On or before the first Monday in June of each year, the Nevada tax commission shall fix and establish the valuation for assessment purposes of all resort hotels in the state.*

*2. The valuation of resort hotels so fixed and established is for the next succeeding year and is subject to equalization by the state board of equalization.*

*3. The Nevada tax commission shall cause to be placed on the assessment roll of any county property found to be escaping taxation coming to its knowledge after the adjournment of the state board of equalization. This property must be placed upon the assessment roll before the delivery thereof to the ex officio tax receiver. If the property cannot be placed upon the assessment roll of the proper county within the proper time, it must be placed upon the tax roll for the next ensuing year, in addition to the assessment for the current year, if any, and taxes thereon must be collected for the prior year in the same amount as though collected upon the prior year's assessment roll.*

*4. The Nevada tax commission shall not raise or lower any valuations established by the state board of equalization unless, by the addition to any assessment roll of property found to be escaping taxation, it is necessary to do so.*

*5. Nothing in this section provides an appeal from the acts of the state board of equalization to the Nevada tax commission.*

*6. As used in this section, "resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:*

*(a) More than 500 rooms available for sleeping accommodations;*

*(b) At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;*

*(c) At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and*

*(d) A gaming area within the building or group of buildings.*

Sec. 6. NRS 361.320 is hereby amended to read as follows:

361.320 1. At the regular session of the Nevada tax commission commencing on the [1st] *first* Monday in October of each year, the Nevada tax commission shall establish the valuation for assessment purposes of any property of an interstate and intercounty nature, which must in any event include the property of all interstate or intercounty railroad, sleeping car, private car, street railway, traction, telegraph, water, telephone, air transport, electric light and power companies, together with their franchises, and the property and franchises of all railway express companies operating on any common or contract carrier in this state. This valuation must not include the value of vehicles as defined in NRS 371.020.

2. Except as otherwise provided in subsection 3 and NRS 361.323, the commission shall establish and fix the valuation of the franchise, if any, and all physical property used directly in the operation of any such business of any such company in this state, as a collective unit. If the company is operating in more than one county, on establishing the unit valuation for the collective property, the commission shall then determine the total aggregate mileage operated within the state and within its several counties, and apportion the mileage upon a mile-unit valuation basis. The number of miles apportioned to any county are subject to assessment in that county according to the mile-unit valuation established by the commission.

3. After establishing the valuation, as a collective unit, of a public utility which generates, transmits or distributes electricity, the commission shall segregate the value of any project in this state for the generation of electricity which is not yet put to use. This value must be assessed in the county where the project is located and must be taxed at the same rate as other property.

4. The Nevada tax commission shall adopt formulas, and cause them to be incorporated in its records, providing the method or methods pursued in fixing and establishing the taxable value of all franchises and property assessed by it. The formulas must be adopted and may be changed from time to time upon its own motion or when made necessary by judicial decisions, but the formulas must in any event show all the elements of value considered by the commission in arriving at and fixing the value for any class of property assessed by it. These formulas must take into account, as indicators of value, the company's income, stock and debt, and the cost of its assets.

5. As used in this section the word "company" means any person, company, corporation or association engaged in the business described.

6. All other property must be assessed by the county assessors, except as provided in NRS 361.321 and 362.100 and except that the valuation of

*resort hotels,* land and mobile homes must be established for assessment purposes by the Nevada tax commission as provided in NRS 361.325 [.] *and section 5 of this act.*

7. On or before November 1 of each year the department shall forward a tax statement to each private car line company based on the valuation established pursuant to this section and in accordance with the tax levies of the several districts in each county. The company shall remit the ad valorem taxes due on or before December 15 to the department which shall allocate the taxes due each county on a mile-unit basis and remit the taxes to the counties no later than January 31. The portion of the taxes which is due the state must be transmitted directly to the state treasurer. A company which fails to pay the tax within the time required shall pay a penalty of 10 percent of the tax due or $5,000, whichever is greater, in addition to the tax. Any amount paid as a penalty must be deposited in the state general fund. The department may, for good cause shown, waive the payment of a penalty pursuant to this subsection. As an alternative to any other method of recovering delinquent taxes provided by this chapter, the attorney general may bring a civil action in a court of competent jurisdiction to recover delinquent taxes due under this subsection in the manner provided in NRS 361.560.

Sec. 7. NRS 361.403 is hereby amended to read as follows:

361.403 1. Any person, firm, company, association or corporation, claiming overvaluation or excessive valuation of its property in this state; or

2. Any representative of any local government entity or the department claiming undervaluation, overvaluation or nonassessment of any property in the state,

solely by reason of the valuation placed thereon by the Nevada tax commission pursuant to NRS 361.320 or 361.325 [,] *or section 5 of this act,* whether or not it is apportioned pursuant to NRS 361.321 or 361.323, is entitled to a hearing before the state board of equalization to protest any assessment resulting therefrom, without appearing before or requesting relief from the county board of equalization. If a hearing is held, evidence of the valuation of the property in which the value is determined by using appropriate appraisal standards must be submitted to the state board of equalization.

Sec. 8. NRS 473.050 is hereby amended to read as follows:

473.050 1. For the consideration and approval of the district board of directors, the state forester firewarden shall annually:

(a) Prepare a budget estimating the amount of money which will be needed to defray the expenses of the district organized under the provisions of NRS 473.020 and 473.030.

(b) Determine the amount of a special tax sufficient to raise the sum estimated to be necessary. The amount of the tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the assessed value of the property described in subsection 2.

2. When so determined, the state forester firewarden shall certify the amount of the estimated sum and the estimated tax to the board of county

commissioners in the county or counties wherein the district or portion thereof is located. At the time of making the levy of county taxes for that year, the board of county commissioners may levy the tax certified, or a tax determined by the board of county commissioners to be sufficient for the purpose, upon all the real property, together with improvements thereon, and all property valued by the Nevada tax commission pursuant to NRS 361.320, 361.323 or 361.325 *or section 5 of this act,* and similar intra-county properties in the district within its county.

3. If levied the tax must be assessed and collected in the same manner, at the same time and by the same officers as are state and county property taxes, and must be paid to the county treasurer. The county treasurer shall keep the money in a separate fund designated by district name and it must be used only for fire protection purposes.

4. Any tax money or county general fund money provided for support of the district may be used to provide structural as well as forest or watershed fire protection if deemed necessary. All funds must be expended in accordance with an annual budget prepared by the state forester firewarden and approved by the board of directors. The money so provided must be disbursed by the county treasurer to the responsible protecting agencies in accordance with the budget. All claims must be:

(a) Certified by a responsible officer of the protecting agency.

(b) Subject to approval and audit as are other claims against the agency.

(c) Subject to inspection and audit by the state forester firewarden and the board of county commissioners.

5. Any money budgeted for forest and watershed protection must be deposited in the state treasury to the credit of the division of forestry account within the state general fund and may be disbursed by the state forester firewarden in accordance with the district budget, and shall be used for the sole purpose of the prevention and suppression of fires in such organized fire protection districts in accordance with state law and regulations.

Sec. 9. The Nevada tax commission shall, on or before January 15, 1993, submit to the director of the legislative counsel bureau for transmittal to the 67th session of the legislature a report of its recommendations on the manner in which centralized assessment of large gaming resort hotels should be carried out. The report must contain at least:

1. The estimated cost of administering this additional responsibility by the department of taxation.

2. Recommendations regarding the necessity of statutory criterion for the classification and assessment of the resort hotels.".

Amend sec. 6, page 2, by deleting line 9 and inserting:

"Sec. 11. 1. This section and section 9 of this act become effective on October 1, 1991.

2. Sections 1 to 4, inclusive, and section 10 of this act become effective on July 1, 1992.

3. Sections 5 to 8, inclusive, of this act become effective on July 1, 1993.".

Amend the title of the bill, fourth line, after "law;" by inserting: "providing for the central assessment of certain resort hotels; directing the Nevada tax commission to submit a related report to the next legislature;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Sader.

Amendment lost.

Remarks by Assemblymen Gregory, Carpenter, Wong, Anderson and Price.

Roll call on Senate Bill No. 535:

YEAS—25.

NAYS—Anderson, Bayley, Bergevin, Carpenter, Elliott, Evans, Freeman, Giunchigliani, Haller, Kerns, Lambert, Little, Price, Spriggs, Stout—15.

Not voting—Scherer, Mr. Speaker—2.

Senate Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed.

Senate Bill No. 576.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 576:

YEAS—42.

NAYS—None.

Senate Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 578.

Bill read third time.

Remarks by Assemblymen Arberry and Johnson.

Roll call on Senate Bill No. 578:

YEAS—29.

NAYS—Anderson, Bayley, Elliott, Giunchigliani, Goetting, Johnson, Kerns, Lambert, Little, McGaughey, Petrak—11.

Not voting—Evans, Sader—2.

Senate Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 591.

Bill read third time.

Remarks by Assemblymen Anderson and Wong.

Roll call on Senate Bill No. 591:

YEAS—42.

NAYS—None.

Senate Bill No. 591 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 594.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Senate Bill No. 594:

YEAS—42.

NAYS—None.

Senate Bill No. 594 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 607.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 607:

YEAS—42.

NAYS—None.

Senate Bill No. 607 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 440, 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 818, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 420, 515, 558, 621.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 440, 537, 818; Senate Bills Nos. 157, 158, 159, 497 and Senate Joint Resolution No. 20 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 104 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 673 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The second Committee on Conference concerning Assembly Bill No. 134, consisting of the undersigned members, has met, and reports that:

No decision was reached.

| | |
|---|---|
| JOAN A. LAMBERT | DINA TITUS |
| GAYLYN J. SPRIGGS | RONALD V. COOK |
| RICH CHARLES BENNETT | WILLIAM J. RAGGIO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Lambert moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No. 134.

Remarks by Assemblyman Lambert.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 547, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

| | |
|---|---|
| JOSEPH JOHNSON | DEAN A. RHOADS |
| JOHN C. CARPENTER | RAYMOND C. SHAFFER |
| JOHN L. NORTON | RANDOLPH J. TOWNSEND |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 16.

Amend section 1, page 1, line 11, by deleting "*exiting*" and inserting "*existing*".

Assemblyman Johnson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 547.

Remarks by Assemblyman Johnson.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 819—An Act relating to the tax on special fuels; reducing the rate of tax imposed on liquefied petroleum gas; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 420.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 515.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 558.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 621.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

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

Assembly in recess at 1:17 p.m.

## ASSEMBLY IN SESSION

At 1:27 p.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 233.

The following Senate amendment was read:

Amendment No. 1217.

Amend section 1, page 1, line 20, by deleting the period and inserting: "*and a special parking permit issued pursuant to NRS 482.384.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

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

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 233.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

## SECOND READING AND AMENDMENT

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1339.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting: "the department of motor vehicles and public safety the sum of $203,301 for the payment of expenses related to the improvement of facilities and acquisition of equipment to be allocated as follows:

1. To upgrade alarm systems statewide, the sum of $60,126.

2. To upgrade the air conditioning duct work in the west wing of the Carson City office, the sum of $75,000.

3. To purchase an emergency generator and federally approved fuel tank for the Elko office, the sum of $68,175.".

Amend sec. 2, page 1, line 9, by deleting "general" and inserting "highway".

Amend the title of the bill, first line, after "appropriation" by inserting: "from the state highway fund".

Assemblyman Stout moved the adoption of the amendment.

Remarks by Assemblyman Stout.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1337.

Amend sec. 4, page 3, by deleting lines 6 through 8 and inserting:

"Sec. 4. 1. Notwithstanding any other law to the contrary, for the fiscal years 1991-92 and 1992-93, the rate of contribution for employees, other than police officers and firemen, whose contributions to the public employees' retirement system are paid pursuant to:

(a) NRS 286.410 is 9.58 percent for both the contribution paid by the employer and the contribution paid by the employee.

(b) NRS 286.421 is 18.47 percent for the total contribution paid by the employer.

2. The public employees' retirement board shall, in determining the rates of contribution actuarially computed to be sufficient to pay for the allowances and benefits provided pursuant to chapter 286 of NRS, including the benefits provided by this act, apply rates of retirement at all ages of eligibility rather than assuming a single average age of retirement.

3. The legislature hereby finds and declares that:

(a) The change required pursuant to subsection 2 in the method of determining actuarially the required rates of contribution was recommended by the independent review of the biennial actuarial valuation of the public employees' retirement system that was made pursuant to chapter 641, Statutes of Nevada 1989.

(b) The independent review indicated that this change would save one-half of 1 percent in the required rates of contribution to the public employees' retirement system.

(c) The rates of contribution specified in subsection 1, in conjunction with the change required pursuant to subsection 2, are sufficient to ensure the actuarial soundness of the public employees' retirement system for the ensuing biennium.

(d) The legislature will review the results of the change required pursuant to subsection 2 to determine the effect of that change on the required rates of contribution and to ensure that the rates of contribution are sufficient to ensure the actuarial soundness of the system.".

Amend the title of the bill, fourth line, after "employees;" by inserting: "requiring the public employees' retirement board to make certain changes in computing actuarially the required rates of contribution to the system;".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 818.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 157.

Bill read second time and ordered to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time and ordered to third reading.

Senate Bill No. 497.

Bill read second time.

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

Amendment No. 1319.

Amend sec. 87, page 23, line 29, by deleting "75" and inserting "87.50".

Amend sec. 87, page 23, line 30, by deleting "3" and inserting "3.50".

Amend sec. 105, page 30, line 23, by deleting "$23." and inserting: "$23 and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.".

Amend the bill as a whole by renumbering sections 219 through 221 as sections 221 through 223 and adding new sections designated sections 219 and 220, following sec. 218, to read as follows:

"Sec. 219. Section 13 of chapter 389, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 13. NRS 178.465 is hereby amended to read as follows:

178.465 The members of the sanity commission are entitled to receive reasonable compensation fixed by the [district] judge impaneling the commission. The compensation is a charge against and must be paid by the mental hygiene and mental retardation division upon an order therefor

signed by the [district] judge and submitted to the administrator of the division. The administrator shall submit a claim for payment of the order in the manner provided by law. After the appropriation for this purpose is exhausted, money must be allocated to the mental hygiene and mental retardation division out of the reserve for statutory contingency account upon approval by the state board of examiners, for payment of the compensation.

Sec. 220. Section 8 of Senate Bill No. 462 of this session is hereby amended to read as follows:

Sec. 8. NRS 459.735 is hereby amended to read as follows:

459.735 1. The contingency account for hazardous materials is hereby created in the state general fund.

2. The commission [established by the governor pursuant to Public Law 99-499] shall administer the contingency account for hazardous materials, and the money in the account may be expended only for:

(a) Carrying out the provisions of NRS 459.735 to 459.770, inclusive [;] , *and sections 2 to 5, inclusive, of this act;*

(b) Carrying out the provisions of Public Law 99-499;

(c) *Maintaining and supporting the operations of the commission and local emergency planning committees;*

*(d)* Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

[(d)] *(e)* Operation of *training programs and* a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045.

3. All money received by the commission from any source must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. *The state controller shall transfer from the contingency account to the operating account of the state fire marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the state fire marshal for use pursuant to paragraph (e) of subsection 2.* The interest and income earned on the money in the contingency account, after deducting any applicable charges, must be credited to the account.

4. All claims against the contingency account for hazardous materials must be paid as other claims against the state are paid.".

Amend sec. 221, page 82, line 6, by deleting "90, inclusive," and inserting: "86, inclusive, 88, 89, 90,".

Amend sec. 221, page 82, line 7, by deleting "219," and inserting "222,".

Amend sec. 221, page 82, line 9, by deleting "91, 92," and inserting: "87, 91, 92, 105,".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 20.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 104.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Haller, Elliott, Carpenter, Anderson, Freeman, Johnson, McGinness, Giunchigliani, Sader, Price, Evans, Pettyjohn, Kerns, Humke and Gibbons.

Assemblyman McGaughey requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. A.B. No. 104 does a number of things, and may I move to Order of Business 15? During the interim, we had a tax study committee of which I happened to be a member; I had the sub-subcommittee on local governments. In that capacity, I took a trip with fiscal analysts for the Assembly Taxation and fiscal analysts for Senate Taxation. We went to the annual assessors' meeting in Pahrump, and we found out how some terrible mistakes were made. They were made because we have 17 counties in the State of Nevada who were all using different assessment practices—nothing standardized. Back to Order of Business 12.

A.B. No. 104 does a number of things. It standardizes, makes uniform, assessment practices throughout the state. It provides for the repayment of errors made as a result of assessment practices. It corrects the unfair distribution formula for SCCRT that was begun 10 years ago under the tax shift program. We fooled around with it for a long time, but I must tell you, your Committee on Taxation has worked long hours to bring this before you. It guarantees under the new distribution formula the rural counties to remain whole. It does many things. If you have specific questions or anyone has specific questions on the assessment portion, we have our resident assessor from Hawthorne who worked very hard on the assessment portion of this bill. The technical end of the bill Mr. Price is prepared to address. In essence, what this is going to do is bring those counties who have been exporters into line by receiving their fair share of money, while not hurting the smaller counties that can't support themselves. But they will be able to take care of their infrastructure needs, their service needs, etc., along with Clark County. There's been one beneficiary as a result of the way the formula worked, and it's unfortunate that it all has to hit at once, but it does, and your Committee on Taxation urges your support.

ASSEMBLYMAN HALLER:

I rise in opposition of A.B. No. 104. This bill is a raid on the taxpayers of Washoe County perpetrated by the members of the Assembly from Clark and Elko counties. It is very clear that Clark and Elko counties suffer from extravagant growth, a growth that has had a disastrous effect on their infrastructures; an uncontrolled growth that they welcomed, but which they are unable to pay for. Their solution appears to be to "sock it to the taxpayers of Washoe County."

The number crunchers have had a field day in figuring how to justify a hard-hearted mugging of the northern county. The 25 co-sponsors of the bill are all from Clark County, with the exception of a colleague from Elko. Yes, my colleagues, you have the power to ruin us, but if you do, the great State of Nevada will be irreparably damaged, and some day you will have to face up to your guilt. What goes around comes around!

I am sure that there have been campaign promises made based on the idea that Clark County dollars have been flying to the north, but I assure you if you pass this immoral bill, there will be fewer dollars from the north to put in the state kitty to be distributed to Clark and Elko.

Finally, in the bill it is stated that the aim is to "ensure equity and fairness in taxation." This bill is neither fair nor equitable. It is a tax shaft for Washoe County. The people of Washoe County urge you to vote against this punitive bill.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I rise in opposition to A.B. No. 104. Don't worry, Mr. Speaker, I'm not going to take off on a tangent here. A.B. No. 104—I guess what I've heard a great deal about A.B. No. 104 is that it's Washoe County, but I'd like to point out Washoe County is people. You have poor folks, and you have wealthy folks. You have in-between folks and you have retired folks. You have people on fixed incomes, and you have all the things that make up a county. It's not just lines on a map. And I would wish that you would consider that sort of a situation because it is apropos to all counties throughout the state.

My feeling is that the SCCRT is flawed, and that in itself is where lies the problem, and I would suggest, and for the record, that in the next interim that what we do is study the way the sales tax is divvied up, and make up regions. For example, let's just, for example, take Washoe County, and we take Reno, Carson City, Douglas, those cities that are very close and people drive into those major centers, for example, Reno. Take all of the sales tax from one particular area, put it into a grand pot, and then distribute it according to the population. I would suggest that that probably would be more equitable than basing it simply and solely on property tax valuation, particularly given what's going to probably happen here today. I don't think there's time to correct it this time, certainly, but I would urge those who are going to be sitting on the interim committees to study that potentiality. That's all I have to say. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I don't know whether I'm for it or "agin" it, but anyway, we do appreciate going from 44 percent up to 79 percent of our sales tax. I think that the rural counties, other than possibly Churchill, do benefit from the bill as written now, but poor Churchill, they only gain, I think, $28,000 and, I think, are going to be really in the middle of a bad situation again. Although I realize that this is somewhat of a perplexing problem to Washoe County, Elko County will still be contributing $1.6 million of our money to you. So, if you don't welcome us with open arms, I still hope you let us in your shopping centers down there. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. You know I wish I could say that my remarks are going to be brief, but they're not. I want to prewarn you. I guess the history teacher in me required that I spend a good deal of time researching this and it's not that I want to share that information in a direct fashion. I am not going to read the entire Price Waterhouse study back to you but in 1987 this legislature commissioned the Price Waterhouse study of the tax conditions in the State of Nevada. That Price Waterhouse study was presented to the Legislative Commission in November of 1988. Part III of that study details the State of Nevada's assessment of local governments, more specifically state control of local revenue raising in Nevada. It describes in great detail the Supplemental City/County Relief Tax (SCCRT) which was the centerpiece of the 1981 tax shift program with the 57-steps process that calculate that SCCRT payment.

If we're to look back at the tax climate of 1981 when the tax shift program was initiated we see the mid 1970's were characterized by relatively high rates of inflation that increased property tax values and property tax burdens significantly. There was a rapid increase in property taxes that contributed to a growing taxpayer revolt nationally and here in Nevada, where properties were reappraised every five years, it was even more dramatic. California, of course, had Proposition 13. Nevada taxpayers passed Question 6, that constitutional initiative to limit local property taxes. The 1979 Legislature then approved a tax relief package and when Question 6 appeared on the 1980 ballot, it was defeated by the voters. The 1979 Legislature accomplished this turn around in voter behavior by providing across-the-board property tax relief by changing the maximum rate from $5 to $3.64 per $100 of assessed valuation, and further it limited the local

government's general fund expenditures and the amount of property taxes that a school district may levy. Of course we know the local governments were able to get around that by expanding activities in other funded areas and user fees.

Still as the 1981 Legislature convened, property tax issues were still on the agenda since the effect of the five-year reappraisal cycles were in place and the state could not meet its requirement to control property tax relief. In addition, the rapid growth in population was placing a greater burden on the school districts so the cap there proved to be more restrictive than had been anticipated. The 1981 Legislature passed the package we are now bemoaning and crying with the following major provisions: First, it cut property taxes by 50 percent. Then it increased the Local School Support Tax (sales tax) from 1.0 to 1.5 cents to reduce the burden on the Distributive School Fund. It passed the Supplemental City/County Relief Tax (SCCRT) of 1.75 cents which is mandated in addition to a 50 cent Basic City/County Relief Tax. The purpose of this new SCCRT was to replace local property taxes on a dollar-for-dollar basis. A formula, jurisdictional property taxes of 1981, charged against the CPI and a growing of assessed valuation and some other magic formulas were created for determining the basic ad valorem. The combined SCCRT and the Property Tax Review, which is the big thing we keep on talking about, and each jurisdiction would receive a certain percentage. Then there is a limit to property taxes of 4.5 percent growth annually. A cap on fees and licenses based upon the local CPI. Assessment procedures were significantly modified including the value for residents to be based on replacement costs rather than sales value computed annually.

The Interim Legislative Commission on Local Government Finance was created. Still we move forward. In 1983, fiscal problems remained. When the national recession had an adverse effect here in Nevada and local governments would cut their property taxes as mandated by this body found a significant shortfall in SCCRT payments and were limited to their ability to generate and allocate revenues. Yet the population continued to grow and demands on services on the infrastructure continued to mount.

In 1983, the legislature addressed the revenue shortfalls and the various other problems by enacting several revenue raising measures. Tax rates for local school districts were increased from 50 cents to 75 cents per $100 assessed value. A statewide ad valorem tax of 5 cents per $100 plus another additional 75 cents for hospital care for indigent persons injured in car accidents. A 4.5 percent limitation on local government property tax collections was suspended to make up the differences between the estimated and actual SCCRT payments. The Interim Legislative Commission on Local Government Finance was eliminated and returning that authority to oversight of local governments to the Nevada Tax Commission and again limits on licenses and permits were redrawn.

The 1985 Legislature, the economy was starting to look a little healthy and an anticipated general fund surplus here at the state level for '83-85 biennium of $154 million. Still, the local governments had financial problems and big problems. So the legislature added a statewide ad valorem tax of 2 cents per $100 assessed valuation for bond interest. An ad valorem tax of 3 cents with 90 percent going to the county of origin for indigent medical care up to $25,000, ten percent coming back to the state to pay indigent medical cares in excess of $25,000. They created the emergency 911 telephone system, at a cost of 5 cents per $100 of assessed valuation. The authority over the SCCRT was moved from the Nevada Taxpayer Commission back to the Interim Finance Committee which, of course, had just been done away with. Other changes in local city and county tax structure were authorized.

The 1987 Legislature saw the continued increase in population and the subsequent demand on government services and passed 44 significant revenue-related bills including 16 bills affecting local finances. Now, I want to let you all rest asssured, I won't speak of all 44 of those unless you really want me to.

The 1989 Legislature again changed the process so there was an increased amount of SCCRT distributed to Churchill, Clark and Elko with reductions to Douglas and Washoe, as well as a separation of the SCCRT and property taxes. In fact, that was a clear setup in 1989 for the events that are about to take place here now.

The SCCRT payments program must be considered a success if the purpose was to hold down increases in local property taxes. From 1977 to 1986, cities and counties increased

their property tax collections 25 percent and 83 percent respectively, while nationally, cities and counties increased their property taxes by 60 and 97 percent. All this is great, however, the picture is incomplete since it ignores the factors that affect the demand for governmental service. Population increases, the highest population increases in the United States with a decrease in per capita spending from 116 percent to a mere 106 percent in 1986. We leave behind the rest of the country.

While the SCCRT program seems to be achieving its narrowly defined goals of limiting local property taxes, the real losers are the citizens of the state who have had to forego providing the level and/or quality of services demanded and expected by our citizenry. We have deferred maintenance on capital facilities, reduced the scope of services. Revenue raising responsibility has moved from the local level to the state legislature and in this session we see the proliferation and continuing of local revenue bills because we become more powerful.

That is the point of this long historical statement. Fair-Share is the failure of the 1981 tax proposal and a pure and simple local revenue bill. Your concept of Fair-Share is both anti-democratic and anti-republic. Not Democratic or Republican in the party sense; but rather, in the concept that they have provided from the inception of government itself. The purpose of my statement is not to delay the inevitable power of majority rule; but rather to remind my fellow members of the need for their actions to be just. We are told that justice cannot be found in the courts since they merely interpret the law nor can it be in the hands of the executive since he enforces the rules we make. Here then in the legislature, the oldest branch of government in the country, do we look for justice. It is for the legislative branch that recognizes the responsibility of collective security and collective need for all of its citizens to do what is best for all. Now the Taxation Committee maintains that this body should change the formula for distributing the taxes. Some members of this body, in fact, have promised that they would bring home the bacon to their constituents. The tax dollars will filter back and they're unwilling to listen to the punitive damages of their actions to Washoe County.

Shall Washoe pay more for following the legislative mandated plan? Where is the justice when Washoe citizens lose more services because we do not have growth? Where is the justice when we open our books for legislative inspection and Clark refuses to? Where is the justice of the political "jingoism" with response to Fair-Share is no more fair than I am brief.

Mr. Speaker, I thank you for your patience in allowing me to speak. I ask my fellow members to recognize that justice needs to be served here—that fair-share is anything but just.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in opposition to A.B. No. 104. I would like to echo the comments of my colleague from Sparks. You know, this is my third session here, and this has to be probably one of the most painful situations I've ever encountered in the three sessions I've been down here, because it seems that by the raid on the people and the taxpayers of Washoe County, that we are being made the scapegoat for the irresponsible and unplanned growth in Clark County. We have watched it over the years with no, seems to be, no concern for what the impact on the people who actually live in the area and how it affects everybody.

You know, I'm the kind of a person that when it was time to do your taxes you added up all your receipts and went to a bookkeeper or CPA. So, I came into this process certainly not a tax expert, but I did go to our financial expert from Washoe County and asked him to explain to us the tax system that was initiated in 1981, and to even an unschooled person like myself in regards to taxation, I was appalled that it was unnecessarily complicated. It was appalling. There were built-in inequities, and the intent seemed to be very unclear other than the purpose to lower property taxes. The fact that we have 17 counties all using different assessment practices certainly is an indication as a result of what happened.

One of the reasons that it grieves me when I vote "no" on this bill is that I shall not only be voting "no" on the so-called fair-share issue, but there's a lot of language in this bill dealing with the question of cleaning up our assessment practices, and I'll be forced to vote against that at the same time. I think that's something that severely needs to be

addressed. My colleague from Hawthorne tells me there are other bills that we've already voted on that address that to an extent, but I'm also concerned that we haven't really addressed the problem of the tax shift that took place in 1981. I would like to echo the comments of my colleague from Washoe Valley. We need to do something in the interim that will send a very clean, clear signal to the people who live in this state that we are going to address this in a serious fashion that will benefit all of us.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I would like to rise in opposition. I have this prepared statement, but I won't present it. Early in the session we identified some problems we would be facing in this session. Water importation was probably one of those along with taxes and spending. "Fair-Share" was certainly identified. I think there has been some confusion. The pipeline was built and was used to transport dollars instead of water. I simply oppose this bill as being unfair.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. I also rise in opposition. My cowboy colleague from Elko County prompted me to stand up one more time. When this discussion began evolving, there were some rural counties that really began to rally around because they felt that perhaps some inequities that have been perpetrated were going to be taken care of. Not all rural counties are affected, but those that are affected are affected in a tough way. Out in Churchill County we are taking a big hit, and we don't have the luxury of doing things like supporting our youth activities and recreation programs. Thankfully, we have a lot of volunteers to get those done. The Senior Center has been operated by a service club. They have just bailed out and now they are scrambling to try and put a nonprofit organization together to keep that going. The infrastructure is not what it should be. I'm not going to pretend to walk you through, as my colleague from Sparks did, the complicated procedures and formulas and figures and theories of all these plans that have been put together, but I can tell you that the loss to the small counties is significant. If you look at the numbers that have added up over the years, the amount of money we have exported, it amounts to a substantial sum of money even on a per capita basis. Those of us who live close enough to those large counties—my colleague from Elko also alluded to this—if you park in Churchill or Lyon or Pershing or one of those counties out there and watch the paychecks flow into the shopping malls on Fridays, that would also amaze you. When the original version of A.B. No. 104 came out, Churchill County was in line for an additional $700,000, and then there was a rural compromise that brought it down to about $500,000. There were other panic compromises produced by the rural counties to try to maintain some sort of equity. The bottom line is Churchill County comes out with about $28,000 plus.

Now during this whole process, there have been great quotes, one of those when the chairman of Taxation felt he was being jerked around—and I think the rural counties are being jerked around by their pocketbooks—Mr. Anderson stole a great quote, "Some of those people have to bring home the bacon." Well, I can attest, "The hog has been butchered and his carcass is hanging out in rural Nevada."

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 104. Having served on the subcommittee, there's just one point I would like to make. As we debated the issues on fair—and yes, fair is in the eye of the beholder—what we attempted to do was recognize that we have 17 counties. If you remember, the original plan was to put it to Washoe County alone. After taking a look at the other points that were brought forth and through the support of some of the rural county assessors, what the subcommittee made as a final recommendation is to look at the state as a whole, to try to hold the rural counties harmless, to rebate the rebasing program to the counties that were the major exporters and to give them back additional revenue that they have not been getting and have been sending off into other areas, and not to single out Washoe County. So I recognize the individuals from the northern part of the state need to stress their concern to their constituents. We have been fair.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. After all this debate on Assembly Bill No. 104, I don't think that any of us are going to be changing any votes with our statements. I do think, however, that there are some points being made in the discussion that is food for thought in the future. I guess the good thing to say about this is that we'll soon be done with the "fair share" issue in this session. The bad thing is that I don't think it goes away. That is, this particular tax, this particular revenue distribution system may go away, but the thought process that gives rise to the "fair share" issue doesn't go away. There are lots of other taxes and revenue distribution systems that you can look at and isolate and compartmentalize and say, "This is unfair." And that is the fallacy of this whole reasoning of so-called "fair share," that we are compartmentalizing one particular tax and revenue system making some conclusions based on how revenue is distributed and saying that regions are not getting their fair share. The fallacy is that we must look at the tax picture as a whole, and only when we do that, based on all of the political and judgment values that go into making compromises and allocations, can we say whether an overall system is fair or not. I would like to suggest three specific areas to consider in this session and in recent years that illustrate my point that picking this particular tax structure and making a value judgment that it is fair or not is not appropriate.

Consider, for instance, the transportation situation. We have in this state primarily federal funds given to us for the construction of roads. Now, we have had in the last biennium, a major rethinking of the allocation of interstate and primary road money. That rethinking has come based on political pressure from Clark County, because of Clark County's growth, to redistribute those funds to Clark County. Now, I don't think there's anything wrong with that. I think that the money probably should be redistributed to Clark County. That's where the growth has been. That's where the need is most. That's where the traffic jams occur. However, for the resident who lives in Washoe County or out in Lyon County or over in Winnemucca, it doesn't make a darn bit of difference to them whether there's been growth or not except they're not getting money they otherwise would have gotten because Clark County has grown in a much larger proportion to the rest of the state. Sure, the money is needed there, but from an equitable point of view, it doesn't make any difference to the rest of us who haven't grown like that.

Consider, for instance, the same situation with library funds. I can't remember whether it was '87 or '89 when we passed state bond money for the construction of new libraries, almost all of which was gobbled up by Clark County. No question that the need was in Clark County; no question that an overall state view should consider the allocation of money to Clark County to be fair because that's where the need was greatest. Nevertheless, the child who will not get new library services in Washoe County or out in the rural counties is every bit as prejudiced by that position—is every bit as prejudiced as if it were not considered on a statewide basis. The point being that, again, although the need is the greatest and growth indicates that you should put the money there, for the residents—the rest of us—it doesn't make any difference. We're going to pay a proportion of burden for that growth.

Now consider the big one. The big one is this session, and what we're going to do this session in our revenue picture. Consider the fact that we now stand here, and probably within a week, we'll make decisions on what appears to be approximately $300 million of revenue shortfall in the state budget. Consider the statements made by the most affected persons on the money committees who suggest that the reason largely that we need these revenue increases is because of growth in the state, and that we have what is called a structural deficit in this state; that is, a tax system which does not pay for growth. It is structurally deficient in that regard. Being that as it is, as long as we grow the way we're going to grow, we're going to have to increase our taxes each year. Consider the disproportionate growth in Clark County; whereas a county like Washoe has grown by large numbers, by national standards, just under 3 percent a year, Clark County has grown by 7 percent each year of the last biennium. Sure, gaming taxes and sales taxes which have been generated from some of that growth helped to defray some of the state expenses, but they don't do enough. There's still a structural deficit. Now we face sales tax, service tax and business taxes that *all* residents of the State of Nevada will pay, and

the residents in Washoe County and the residents in the rural counties will pay a disproportionate share for the growth that has occurred because Clark County has grown faster than the rest of the state.

Now this is not an indictment of growth. It is an indictment of a tax structure that is structurally deficient and allows this kind of disproportionate burden in new tax sources. I think it is the ultimate irony in this session that we should in one week pass a so-called "fair share" bill allocating money primarily to Clark County and then in the next week pass a budget which will tax all the rest of us in a disproportionate manner for Clark County's growth. That is not fair. That is very regional, but that is not fair.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, I rise in support of A.B. No. 104, even though I had supported other versions of the bill. As we all know, a compromise is what our business is all about, and if there's to be any changes made, it will be through A.B. No. 104. I would like to compliment, by the way, all of the prior speakers, particularly our historian—I would hope that you would let me have a copy of your, I might add, very accurate historical recollection of what happened. There are one, two, three, four of us who were here when it started, and it will continue. I do not believe that Assembly Bill No. 104, as it is currently structured, will eliminate the problem either, and I would certainly agree with the distinguished Chairman of Judiciary that the culprit is the system and certainly not the citizens or the officials of Washoe County nor of Clark County nor of the rest of the state.

I would like to respond at least once to one remark that was made by my colleague from Sparks concerning the Clark County officials refusing to open books, and so forth, and that is incorrect. I, too, have read that in the newspapers, and even this morning, you will notice that some of the officials from our Department of Taxation have refuted the remarks that were attributed to them. By the way, I have suggested, and we may yet hopefully between now and the next session, that we have our Department of Taxation get to the bottom and look into the various allegations that seem to be floating around. But, at any rate, the last line of Randy Travis' song says, "If you see what's wrong, and you try to make it right, then you'll be a point of light." I got to tell you, this is a system that many of us have recognized, and as has been articulated, is not right at this point in time. It's wrong, and we've made an effort to compromise, and I suppose the Senate will be tinkering even more to try and make it right, but at least we're taking a step in a direction that is necessary. I regret, in fact, that it will mean that our friends and colleagues in Washoe County will have to be looking toward either increased revenue measures or reductions in services, but somewhere along the line, we're going to have to correct that, at this point in time, flawed system, and this is our best offer to this point.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I also speak in opposition to A.B. No. 104. Most of what is on my mind has been said and been said quite eloquently. I am concerned, too, about the longer term effects. We had to give up money in 1989, we're giving up money in 1991, I hate to think what's going to happen two years from now. What is the price tag going to be, because I don't see anything in A.B. No. 104 that causes me to feel secure that is the last go-around, that this is the last time we will face this issue. A few days ago in Legislative Functions and Elections, there was a suggestion that we have an interim study again on taxes, and my esteemed colleague from Douglas County raised the question of, "Well, we've studied and we've studied and we've gone all over the state and we've talked to just about everybody, and I don't know if we need to continue this." But after hearing the debate on this question today, some of the very fine points that have been raised, I think that it is clear in my mind that, indeed, we must continue working on this subject in terms of tax equity. How many times, how many speakers, even the chairman of Taxation, talked about a tax system that is flawed. I would hope if there is some good to come out of this, that we do recognize it is flawed, it is *still* flawed, and that we still need to work on the equity side.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in support of A.B. No. 104, and I'm certainly not a tax expert. There have been a lot of very salient words spoken today on this issue, and I appreciate the dialogue which has been put forth. I guess I just resent a little bit Clark County being painted as a culprit in this. I don't know the history of how it all started. I've read quite a bit about it and I understand a part of it, but it seems to me it boils down to being a fairly simple proposition that there is a great inequity throughout the state in terms of the financial centers, the revenue generating locations, Clark County, of course, being the major one and Washoe County following close behind. It seems to me that those people who are our predecessors tried to find some way to resolve those inequities in the revenues which had been generated by those two centers and to help the other outlying areas of the state who did not generate large revenues to support the infrastructure and to build hospitals and to serve patients, and things like that. So I applaud those people on that effort to try to find some ways to take the money which is being raised in the populous areas and distribute it out to those who need it.

I would call attention, though, to a group here, as I watched the elections this past three or four weeks in Reno and Sparks, I saw there was a debate between the candidates about growth and no growth. There were those who advocated there should be no growth, and they were supported by a lot of the supporters of those candidates along that line. That's a choice for them to make, but the fact there was no growth there is a fact. In Clark County we did have great growth, no doubt about it. We built up the city tremendously. There was a lot of industry and a lot of casinos being built, a lot of revenue being generated. Now if we talk about fair, I suppose we could have a formula whereby all revenue which is generated in one county could stay in that county regardless of who the purchaser is. We could not, perhaps, even attempt to go out and say if a man came from one county into Clark County and bought an automobile or a truck or a tractor or whatever, we would try to find out where he lived and then redistribute that sales tax back to him. We could, in fact, keep it all there. Easy way to do it, but in talking about fairness, that's not fair. So, as I said, our predecessors tried to find a way to distribute that back out and to help all those who need it. So I really think that even though there are inequities, I kind of resent the fact that Clark County is being characterized as being totally unfair when I think, in spite of the inequities, in spite of the fact it's not a perfect system, there is not an attitude or an attempt on their part to be totally irresponsible and totally unfair. Thank you.

ASSEMBLYMAN KERNS:

Thank you, Mr. Speaker. I had decided I wouldn't speak on this, but then I decided I might say a couple of words. It'll be a little shorter than my colleague from Sparks because I discovered the facts have absolutely nothing to do with what we are talking about. I was kind of surprised that my colleague from Clark County was interested in what Bernie had to say. Facts haven't entered into it before; I don't know why he'd be interested in it now. There have been a lot of people from Clark County who have come to me in the last couple of weeks saying, "Gosh, this is bad and I really hate to vote for it, but I don't have any choice. It doesn't make any difference if it is good or bad, we're not left a choice, we have to vote for it. Our leadership would stop us, and when we went back home, we'd be painted as a person who gave away Clark County." Unfortunately, the people who feel that way are still going to feel that way after they vote for this bill, and there's nothing we can do for you there. You'll just have to continue feeling that way, and heaven help you. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in opposition to A.B. No. 104. I, too, was not going to say anything, but I thought someone should dedicate a few remarks to all those people who stand silent in the face of what we know is a majority that will vote for this bill. Just because we don't say anything, it doesn't mean that we are not opposed to it. I would call that the tyranny of the majority. The distinguished chairman of Taxation perhaps misspoke, but nonetheless he said, "This is the best offer." I would submit that this is not an offer. I would submit that the citizens of Washoe County can have the same choice that a

condemned man may have in some states, either die by firing squad or by hanging. Those are the choices we have. Mr. Speaker, this is the day that fairness, the sanity and the justice take a holiday. Thank you.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I am sure that the comments of all of us are not going to change the outcome of what's already a "fait accompli" on this measure. I do want to say though, as I look out at all 41 of my colleagues, I see that we are all after the same goal, and that is we want a better state for our children to grow up in, to be educated in, and to lead a better way of life. I think we are elected to this position not just, as a reminder, to represent our own districts, but to represent the state as a whole, for it is our challenge to represent the state to the best interest of the state as a whole. I don't think that Assembly Bill No. 104 really is in the best interest of the state as a whole. I think the challenge here today is one of fundamental fairness. I appreciate the gracious reduction of parts of this bill that you have been so generous with in not attacking us for. For example, the payback from $99 million down to $10 million. But I would say, to be statesman like, for an act which was ingeniously following what the law said we were to do should be eliminated altogether. I think you should remove the punitive $10 million payback provision. It reminds me of when a child gets caught with his hand in the cookie jar. The initial confrontation is one of shock when the child realizes he has been caught. It's an emotional trauma to them, and normally they do cry, and some point in time you realize you don't need to slap them on the hand for that because all that does is add injury to an already emotional sting. I think this payback provision is doing just that, it's a slap on the hand for getting caught for something that really didn't have a wrong attitude when it was initiated or followed by the law. You know, $3 million a year is certainly not something that's going to make Clark County rich, it's certainly not going to take care of your problems, and I would also assert it's not going to break Washoe County. It is a sting, and it will sting, but it is unnecessary. Washoe County is going to have to get by on a lot less. Our kids are not going to be able to enjoy the libraries that we've heard about. Our senior citizens and the citizens of our county are probably going to have to do with less police protection because of this bill. I've always been told that wealth, after all, is a relative thing, that a person who has little and wants less is richer than a person who has much but wants more. I don't want to delay the outcome of what is inevitable this afternoon, but I do want to leave all of you with one nagging thought that sort of parallels my colleague from District 27's thoughts today, and that is that everybody sooner or later sits down to a banquet of consequences. Thank you, Mr. Speaker.

Roll call on Assembly Bill No. 104:

YEAS—26.

NAYS—Anderson, Bergevin, Elliott, Evans, Freeman, Gibbons, Haller, Humke, Johnson, Kerns, Lambert, McGinness, Marvel, Sader, Spriggs, Mr. Speaker—16.

Assembly Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 673 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 261, 312, 421, 446, 447, 713, 721, 785, 787; Senate Bills Nos. 111, 366, 463, 508, 544, 609; Assembly Concurrent Resolutions Nos. 61, 62, 101.

### GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Keith Lockard.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 21, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 2:31 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED FIFTY-SECOND DAY

CARSON CITY (Friday), June 21, 1991

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Dear God, with subtle recriminations whispering their poison in our ears, we sometimes find it hard to listen to each other's concerns and pain. Reassure us that You hold all of us in Your loving arms. Give us ears to listen with care and give us the courage to act aggressively for the welfare of all. In Your name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 623, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 222 and requests a conference, and appointed Senators Neal, O'Donnell and Nevin as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 547.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 134.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 83.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 329.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Evans, Elliott, Stout, Carpenter, Garner, Myrna Williams, Giunchigliani, Spriggs, Norton, Heller, Hardy, Scherer, Bayley, Haller, McGinness, Spitler, Humke, McGaughey, Porter, Wendell Williams, Kerns, Krenzer, Bennett, Petrak, Marvel, Gibbons, Wong, Johnson, Gregory, Price, Arberry, Callister, Sader, Bergevin, Freeman, Goetting, Lambert, Bache, Pettyjohn, Anderson and Little:

Assembly Concurrent Resolution No. 103—Memorializing Mary Frazzini, former Assemblywoman from Washoe County.

WHEREAS, This Legislature notes with profound sorrow the passing of Mary Frazzini, former Washoe County Assemblywoman; and

WHEREAS, Mary Cameron Frazzini was born on February 20, 1919, in Oakland, California, and moved to Nevada as an infant; and

WHEREAS, Mary Frazzini began her political career when she was elected to the Esmeralda County School Board in 1940, and after moving to Reno in 1945 she served on the Reno City Council in 1955; and

WHEREAS, Mary Frazzini served in the Assembly representing Washoe County from 1965 to 1972 and was Chairman of the Committee on Legislative Functions and Elections; and

WHEREAS, Mary Frazzini was deeply involved in helping her community and throughout the years she was a member of the Business and Professional Women, Renown Toastmistress Club, Reno Commission of the Status of Women, Salvation Army Board, Washoe County School Board, Quota Club, Visiting Homemaker and Home Health Aid Service of Washoe County, Reno-Sparks Chapter NAACP, Delta Kappa Gamma, Twentieth Century Club, Washoe Association for Retarded Citizens, Washoe County Geriatric Clinic, Garden Club, and Boy and Girl Scouts and she was a life member of the Parent Teachers Association; and

WHEREAS, On a state and national level, Mary Frazzini was a member of the Northern Nevada Women's Political Caucus, Nevada Federation of Republican Women, Republican Women's Club, Greater Nevada Health Systems Agency, Western Gerontological Society, Nevada League for Nursing, Nevada Urban Indians, Inc., Defenders of Wildlife, National Order of Women Legislators, National Council on Aging, Special Advisory Committee of Public Opinion of the United States State Department and Governor's Committee on the Status of Women; and

WHEREAS, Growing older did not slow Mary Frazzini down as was evidenced in her enthusiasm and dedication toward helping elderly persons, serving as director of the Washoe Senior Citizens Service Center for several years; and

WHEREAS, Mary Frazzini received numerous awards in recognition of her outstanding public service including being selected as Woman of the Year in 1966, being named one of three outstanding Republican Women in the United States in 1969 and receiving the Service to Mankind Award in 1978 from the Silver State Sertoma Club of Sparks; and

WHEREAS, Mary Frazzini was listed in Who's Who in the West, Who's Who of American Women and Who's Who in American Politics; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Nevada Legislature extend their heartfelt sympathy to Mary Frazzini's son Carson of Reno and her two grandchildren; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mary's son, Carson Cameron Frazzini.

Assemblyman Evans moved that Assembly Concurrent Resolution No. 103 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Evans.

Motion carried.

By Assemblymen Dini, McGaughey, Anderson, Bennett, Krenzer, Little, Bayley, Kerns, Johnson, Heller, Wendell Williams, Gregory, Callister, Arberry, Porter, Giunchigliani, Gibbons, Hardy, Spriggs, Elliott, Myrna Williams, Wong, Freeman, Spitler, Goetting, Humke, Sader, Haller, Marvel, Stout, Scherer, McGinness, Carpenter, Garner, Pettyjohn, Petrak, Bergevin, Evans, Bache, Lambert, Price and Norton:

Assembly Concurrent Resolution No. 104—Memorializing Delbert T. Landing, long-time Carson City resident.

WHEREAS, The members of this Legislature were deeply grieved to learn of the death of Delbert (Del) T. Landing, long-time public servant and Carson City resident; and

WHEREAS, Del Landing was born in Ashland, Oregon, on August 27, 1925, to Frank Melrose and Bessie Gearhart Landing, and had been a Carson City resident since 1964; and

WHEREAS, Del Landing graduated from Ashland High School in 1944; and

WHEREAS, On November 8, 1947, Del Landing and Mouryne Burton were married in Ashland, Oregon; and

WHEREAS, After serving his country in the Navy during World War II, Del Landing worked for the First National Bank of Oregon from 1947 to 1963 and, after a distinguished career, retired as senior vice president for the main branch of Security Bank of Nevada in Reno; and

WHEREAS, While living in Medford, Oregon, Del Landing was chairman of the 1959 United Way Fund Drive, director of the Oregon City Kiwanis Club, president of the Medford Jaycees, a member of the Ashland B.P.O. Elks Lodge and he received the Medford Distinguished Service Award; and

WHEREAS, After moving to Carson City, Del Landing distinguished himself as one of Carson City's most active and enthusiastic residents, exemplified by his participation in numerous community activities; and

WHEREAS, As president and director of the Carson City Chamber of Commerce, president of Western Industrial Nevada, president of the Carson City School Board and a member of the Carson City Rotary International Club and the Nevada Activities Association Interscholastic, Del Landing contributed greatly to the community; and

WHEREAS, Del Landing is survived by his wife of 43 years, Mouryne, and a daughter, Sheryl Seaman, both of Carson City, a daughter, Lisa Menath of Incline Village, a brother, Elmer of Colton, Oregon, sisters, Eva Findlay and Vera Collins, both of Ashland, Oregon, and five grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th session of the Legislature of the State of Nevada extend their heartfelt sympathy to their highly respected colleague, Mouryne, and to the other members of the family; and be it further

RESOLVED, That when this body adjourns today, it does so in the memory of Del T. Landing; and be it further

RESOLVED, That the Assistant Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Del Landing's loving and caring wife, Mouryne, and to his daughters, Sheryl Seaman and Lisa Menath.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams and Sader.

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

Assembly in recess at 11:22 a.m.

## ASSEMBLY IN SESSION

At 11:23 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblyman Dini.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I move for the adoption of A.C.R. No. 104. I have the distinct privilege of knowing Mrs. Landing for eight years now. I also had the distinct privilege of knowing her husband, Del, not as well as I would have liked to, but we did have some fun at an NCSL meeting which Del attended. Mouryne, obviously, is a reflection of the relationship that existed between this outstanding man and herself. It's one of integrity, of humor, of good spirits and loyalty. We grieve with you, Mouryne, and we respect the memory of Del and honor it, and we honor you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. One need only to note the emotion in the voice of Carol as she read the resolution to understand the difficulty all of us feel in the passing of Mouryne's husband, and the amount of love and affection that we have for her and the support we want to give her during this period of grief.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tem. I had the privilege of meeting Del over 20 years ago. Our relationship with Mouryne, of course, has been so close for at least 18 years that I remember. I think his life reflects a man who was a good family man, who was compassionate with his family; he was a community leader, he was a good businessman, and he leaves a good legacy for his family to remember him by. He fought the hard battle, and sometimes we just don't win that one. To Mouryne, I must say that this entire house reflects the hard work that you do for us and the compassion you have given us. We hope that we were able to help you in our small way during this trying time.

ASSEMBLYMAN SADER:

Madame Speaker Pro Tem, Order of Business No. 15. I have at this time a resolution framed to give to Mouryne to keep, and I also have extra copies of the resolution. I would like to acknowledge the presence of family members in the gallery and ask you please to stand, if you would. There are Sheryl and Paul Seaman and children Matt and Katie Seaman; Lisa and Mike Menath and children Ryan, Jacob and Scotty Menath. Welcome and thank you for coming.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 104 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

## ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 67.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Concurrent Resolution No. 103 be taken from the Chief Clerk's desk.

Assembly Concurrent Resolution No. 103.

Resolution read.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Lambert, Freeman, Myrna Williams, Humke and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. It was earlier in the session that we noted with sadness the passing of Mary Frazzini. It is interesting that the first time I was introduced to Mary, it was by another Mary—Mary Gojack. The irony there, of course, as you know, Mary Gojack was a Democrat and Mary Frazzini, a Republican, but they served together, worked together, knew each other and there was great mutual respect. Although they were people in different parties, there was something that bound them together, and that was their great and abiding sense and compassion for humankind, their dedication to social and economic justice. Mary Frazzini served in this body, served honorably in this body for many years, and after she left the legislature she continued her public service in the Youth Services Division working in the Child Care Bureau. As was noted in the resolution, she was very interested in and dedicated to the well-being of children, and then on the other end of the spectrum, of senior citizens. When Mary retired from state service, she did not retire from public service, because that would not be her way. Her way was to continue in the community on a volunteer basis, and that's where I got to know her even better and work with her in a variety of community-based organizations serving children, serving the elderly. In my own county of Washoe, she was active in our domestic crisis shelter, Committee to Aid Abused Women. So, it is with pride that I speak in support of this resolution, but it is with sadness that we say good-bye to Mary Frazzini, a great woman and a great Nevadan.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I also rise in support of this resolution. Mary was a friend and a constituent. She lived in Lemmon Valley. Many of you in southern Nevada have heard a lot about Lemmon Valley this session. Mary was one of the special residents of Lemmon Valley. In fact, she was one of the special Nevadans. Mary was willing to stand up for what she believed in. She was always there to help people who needed someone to speak for them and to help people who needed help. I am always going to remember Mary with love and much respect. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of this resolution. The first time I ever saw Mary Frazzini was in this body. She was sitting just about where Mr. Spitler is sitting, if I remember correctly, and there was an issue that wasn't discussed in legislative bodies at that time. It was in the early '70's, and Mary was one of the few people who had the courage to stand up on the floor and address this rather emotional subject that most people wouldn't have touched with a 10-foot pole. But Mary did. She had that type of courage. She never equivocated, never backed down on any of her stands on issues; she was a woman of courage and vision. She was always a champion for those who were disadvantaged. And Mary will be missed.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I had the privilege of meeting Mary in 1965 when I was up here on some other matters, and she was serving. While we didn't share the same political philosophy, we did share the same concern for people. Mary brought respect to women in this house, along with Eileen Brookman and Flora Dungan, and for that we will always be grateful to her. She was an extraordinary lady; she was a fine lady; and, even though I am from the other end of the state, from another party, we will miss her greatly.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of this resolution. I would like to prove that not only do the ladies have great respect for Mary Frazzini, some of the men did as well. I recall she was a member of many women's organizations, and one of those was the Republican Women's Club. I know because I was their first associate member in Washoe County. I would just like to say that I knew Mary through that organization and would like to reiterate the remarks of others. She was a lady whose life was dedicated to service to others. Thank you.

MR. SPEAKER:

With the permission of the house, I 'd just like to say a few words. I met Mary in 1967 in my first term here. She'd already been here one term, but, you know in that era—I've served with many ladies in this house, and that was quite an era; Mary Gojack, Nancy Gomes, Flora Dungan, Mary Frazzini, Eileen Brookman were all leaders in this house. I served with them, and was very proud to serve with all of them. Mary was an outstanding member of the house. She worked very hard on her committee work and her floor work was excellent. I have many fond memories of the years she served here and my relationship with her. Certainly, I am saddened by the loss of her, and I know that Nevada is a lot better state because she has served in this house.

Resolution adopted unanimously.

Assemblyman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 103 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 67.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 820—An Act relating to state employees; clarifying the right of employees of the legislative branch to transfer into positions in the executive branch; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:09 p.m.

## ASSEMBLY IN SESSION

At 1:13 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 152, 316, 339, 342, 615, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Petrak moved that Assembly Bill No. 673 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Petrak.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 799 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 805.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 640 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 799.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 580 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Marvel.

Motion carried.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 821—An Act relating to property taxes; prospectively requiring the assessment of the property of certain resort hotels by the Nevada tax commission; directing the Nevada tax commission to submit a related report to the next legislature; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 651.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 651:

YEAS—39.

NAYS—Elliott, Kerns, Marvel—3.

Assembly Bill No. 651 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 805.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 805:

YEAS—41.

NAYS—None.

Not voting—Pettyjohn.

Assembly Bill No. 805 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 673.

Bill read third time.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 1341.

Amend sec. 3, page 1, line 18, by deleting "*3*" and inserting "*4*".

Amend sec. 3, page 1, line 22, by deleting "*3*" and inserting "*4*".

Amend sec. 3, page 2, by deleting lines 6 through 10 and inserting:

"*(b) Must be used to support financially:*

*(1) A task force in the office of the county sheriff or the sheriff of the metropolitan police department for the prevention and suppression of criminal gang activity;*

*(2) The prosecution of crimes alleged to have been committed by members of criminal gangs; and*

*(3) A program of education and prevention aimed particularly at the prevention or suppression of the abuse of alcohol and controlled substances. The money must not be used for any other purposes.*".

Amend sec. 4, page 3, by deleting line 17 and inserting:

"*(b) Allocate one-fourth of the estimated revenue to a program for education and prevention and allocate a portion of the remaining estimated amount*".

Amend sec. 4, page 3, line 23, by deleting "*allocation*" and inserting "*allocations*".

Amend sec. 4, page 3, line 24, after "*for the*" by inserting: "*program of education and prevention, the*".

Amend sec. 4, page 3, between lines 27 and 28, by inserting:

"*4. The program established for education and prevention of the abuse of alcohol and controlled substances must be administered by the board of county commissioners. Upon application by community-based nonprofit organizations which propose to provide related services, the board may, from the portion of the proceeds allocated for a program of education and prevention pursuant to paragraph (b) of subsection 3, award grants of money to support the provision of those services. The money must not be used for any other purposes and must not be granted to any governmental agency.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry, Price, Haller, Wendell Williams and Pettyjohn.

Amendment lost.

The following amendment was proposed by Assemblyman Petrak:

Amendment No. 1366.

Amend sec. 3, page 1, by deleting lines 12 through 16 and inserting:

"Sec. 3. *1. After receiving the approval of a majority of the registered voters of the county voting on the question at a special or general election, the board of county commissioners may levy a tax on all taxable property in the county for the prevention and suppression of criminal gang activities.*".

Amend sec. 3, page 2, by deleting lines 20 through 25.

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend the title of the bill to read as follows:

"An Act relating to taxation; authorizing the imposition of a property tax for the prevention and suppression of criminal gang activity upon approval of the voters; restricting the use of the proceeds of the tax; providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes imposition of property tax for prevention and suppression of criminal gang activities upon approval of voters. (BDR 20-2066)".

Assemblyman Petrak moved the adoption of the amendment.

Remarks by Assemblymen Petrak, Anderson, Price, Humke, Wong and Scherer.

Assemblymen Porter, Garner and Arberry moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1366 to Assembly Bill No. 673.

Assemblymen Price, Johnson and Wong requested a roll call on Assemblyman Petrak's motion.

Roll call on Assemblyman Petrak's motion:

YEAS—33.

NAYS—Bache, Bergevin, Elliott, Haller, Marvel, Price, Spriggs, Myrna Williams, Wong—9.

The amendment having received a majority, Mr. Speaker declared it adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 799.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 1354.

Amend section 1, page 1, line 3, by deleting "nine" and inserting "[nine] *11*".

Amend section 1, page 1, line 16, by deleting the brackets.

Amend section 1, page 1, by deleting line 17 and inserting:

"*(e) One member of the board of trustees of a county school district.*

*(f) One representative of the general public.*".

Amend section 1, page 1, line 23, by deleting "made; or" and inserting: "made . [; or]".

Amend section 1, page 1, after line 26, by inserting:

"*(c) For the trustee of a county school district, by an organization of the boards of trustees in which the majority of such districts in this state have membership.*".

Amend sec. 2, page 2, by deleting lines 5 through 9 and inserting: "appoint two additional members to the commission on professional standards in education pursuant to paragraphs (e) and (f) of subsection 3 of NRS 391.011. One of the persons must be appointed to an initial term of 2 years and the other must be appointed to an initial term of 3 years.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Bache, McGinness, Haller, Anderson, Giunchigliani, Callister, Stout, Pettyjohn and Johnson.

Assemblyman Scherer requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. Amendment No. 1354 to A.B. No. 799 would accomplish the following: The State Board of Education member would remain as a member of the Commission on Professional Standards in education. It is essential the State Board of Education have a member on the Commission. It maintains the linkage with the State Board of Education so the coordination of decisions made by the Commission regarding qualifications of licensed personnel are consistent with the decisions of the State Board of Education regarding a course of study for students that teachers would have to teach. In addition, the State Board representative on the Commission has been an active participant since the Commission's inception in 1987. The representative has worked well with the Commission and has been essential to this decision-making process. The addition of the representative from the local school boards of trustees is an enhancement. The representative from the local school boards of trustees can give greater insight to the Commission on how the decisions of the Commission would be implemented within the local school districts.

No one can argue as to the value of the member from the general public. The general public member will give input from and representation to parents.

In 1979, the Sixtieth Session of the Legislature adopted A.B. No. 388. This bill established an 11-member Commission on Professional Standards in education which at that time was an advisory to the State Board of Education. That advisory committee included a representative from the general public and a representative from the local school board of trustees. These representatives participated on the Commission from 1979 until 1987 when the Commission was removed as advisory to the State Board of Education and the structure was changed to represent its current activities and configuration. The input from the general public and from the local school boards of trustees was important for that period of time and should be strongly supported as important now.

There would be minimal fiscal impact because of this amendment. The commissioners received no salaries. The only costs are for travel. The addition of these members would, figuratively speaking, complete the wheel of representation on the Commission. The adoption of standards, implementation of such standards and the subsequent practical application of such standards in the seventeen school districts demands a team-work approach. The viewpoints, concerns and responsibilities of teachers, counselors, school administrators, College of Education, State Board of Education, local boards of school trustees and the public can all be accommodated with the proposed expansion of the Commission.

Public education cannot afford the luxury of bickering and turf wars. Cooperation is essential if the needs of the children are to be met. The exclusion of one or the other of the spokes of the wheel only causes dissension and turmoil. The adoption of this amendment will cement and strengthen such cooperation among all. Education and the well-being of children must be paramount. I urge your adoption of Amendment No. 1354.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. To you and through you, I rise in opposition to this amendment. I disagree with my colleague from Elko County. I think there is going to be a significant fiscal impact because of the addition of two members to the board. Secondly, the reason why, the State Board of Education member removed from the board is that they currently have veto power over what the Commission on Professional Standards does. So, in essence, the State Board representative has made a decision first on the Commission and then they can come back and ask the State Board to again oppose something that they were opposed to that was possibly passed.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. I rise in support of Amendment No. 1354. I think putting a member of the board of trustees from the county school district on there is a good step. I think it's putting somebody on there who has knowledge of the local workings and I will support this.

ASSEMBLYMAN HALLER:

Mr. Speaker, off the floor, I heard that there was a significant fiscal impact and that this had been considered and was in the budget as it originally was. I would like to know just what is the cost of this particular amendment with two more people on the board.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. As I stated before, there are no salaries for these members. There would be a travel expense. I think they maybe meet four or five times a year. I think that the travel would be minimal. I think that the large budgets that the Commission and the Board of Education have that they could well handle the addition of the two extra members at this time.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in opposition to the amendment to A.B. No. 799. Quite simply, the question comes down to clearly the need for the representative of the general public which is an important ingredient that has been missing from the Professional Standards Commission, in which, of course, Nevada has taken the lead. The absence of a school board member on the surface appears to be an oversight but in reality, I think it clearly serves a very, very important factor and that is, it maintains the local integrity of the local school board member without having to become involved in those statewide issues. There is nothing, I believe, that would prevent a local school board member from being the representative of the general public if the governor were to make that appointment, at least in my reading of the bill. I just don't see where both the financial impact of this and the service of what this is supposed to accomplish, is going to be served by the additional two members. In addition, the bill itself is intended to drop the member of the State Board of Education from the Professional Standards Commission. It maintains the integrity of the State Board of Education's position and the sanctity of their power as holding the primary check over this body. I support the bill as it was originally written. I think it is a good bill and I'm afraid this amendment, although, looking good on the surface, in reality, has a detrimental effect to the overall purpose of the Commission.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1354. I will note for the record, I am a teacher and as the president of the NSEA, I do attend these meetings and kind of oversee what goes on. The reason I am opposed to it is that in 1987, when the Commission was created, the intent was that a majority of classroom teachers would begin to be treated as professionals and would issue their own licenses. We compromised because there was a big battle called "territory" between the State Board of Education and the new creation of the Commission on Professional Standards. The territory has continued to exist; the in-fighting has continued to go on. The State Board has pointed out that the Board of Education member has the right to veto what the Commission does so they already have the power to oversee what's going on but by keeping the State Board of Education member on, it creates divisiveness. You have to have people who can work together and take a look in an objective way. The State Board still opposes the licensing board, still does not support its continued creation and what we're doing is just continuing to foment this.

The original intent of A.B. No. 799, though, was to bring in some public policy and public point of view and that is the integrity of the original bill, and is what needs to be kept here. So I would urge you to vote against this and if this amendment does succeed in getting on, then I would rather see the bill dead.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I apologize for not being able to respond earlier. The obvious answer to the question posed is the adoption of this amendment would obviously require two additional positions in the budget. I don't have exact numbers, what those costs would be, but it would obviously require additional positions.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I rise in support of this amendment. In the one area especially, that the school board, like we like to see what's going on with the state budget, quite often they like to see what's going on with hiring of the teachers, and I think we should at least allow them to be there.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. I rise in support of the amendment and I would, if I may, correct my esteemed chairman of Ways and Means. It really would not add two people because the basic bill itself just changes the State Board of Education; it leaves on a general public representative and so the fundamental bill has that position. It would in fact, I think, add only one position. In listening to the testimony about the divisiveness which apparently permeates the board, I'm a little curious as to why identifying this particular member by the others as the one who by elimination is going to eliminate that divisiveness; I'm a little curious as to the possibility might be some of the other members which is about an eight-member board.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I rise in opposition to the amendment; in support of the bill. I have some familiarity with professional standards boards and this is what this board is. I think the citizens should have representation on that board and the replacement by a single member and opposed to essentially management; these people are bureaucrats who should have a professional staff relationship with the board rather than as a member of the board.

Assemblymen Scherer, Bache and Lambert moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1354 to Assembly Bill No. 799.

Amendment lost.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 799:

YEAS—28.

NAYS—Bergevin, Carpenter, Elliott, Evans, Garner, Hardy, Kerns, Lambert, Little, McGinness, Marvel, Pettyjohn, Spriggs, Stout—14.

Assembly Bill No. 799 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 640 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Wong, Elliott, Bache and Anderson.

Roll call on Senate Bill No. 7:

YEAS—26.

NAYS—Bayley, Carpenter, Gibbons, Goetting, Gregory, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Pettyjohn, Scherer, Spriggs, Stout, Wong—16.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 157:

YEAS—42.

NAYS—None.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 158.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 158:

YEAS—41.

NAYS—Carpenter.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 159:

YEAS—41.

NAYS—Carpenter.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 479, 499; Senate Bills Nos. 152, 316, 339, 342, 615, 623 and Senate Joint Resolution No. 25 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 303 and 339 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 365.

The following Senate amendment was read:

Amendment No. 1022.

Amend section 1, page 1, line 3, after "*not*" by inserting: "*, without the customer's consent,*".

Amend section 1, page 2, line 5, after "*not*" by inserting: "*, without the customer's consent,*".

Amend section 1, page 2, between lines 15 and 16, by inserting:

"*(c) Apply to a transaction in which the customer's purchase is made by the use of a device that electronically authorizes the use of the credit card and processes information relating thereto.*".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 365.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 89, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in.

| | |
|---|---|
| JOE ELLIOTT | DIANA M. GLOMB |
| SAUNDRA KRENZER | WILLIAM R. O'DONNELL |
| PATRICIA LITTLE | DEAN A. RHOADS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Elliott moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 89.

Remarks by Assemblyman Elliott.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 269, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | RONALD V. COOK |
| BERNIE ANDERSON | R. HAL SMITH |
| WILLIAM DAVID GREGORY | STEPHANIE S. TYLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment 11.

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for issuing the license the sum of $13.

2. The clerk shall also at the time of issuing the license collect the sum of $3 and pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

3. The clerk shall also at the time of issuing the license collect the additional sum of [$9] *$7* for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and must be placed to the credit of the state fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state treasurer for credit to the state general fund.

4. The clerk shall also at the time of issuing the license collect the additional sum of [$10] *$12* for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and must be placed to the credit of that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state treasurer for credit to that account.

Sec. 3. NRS 122.060 is hereby amended to read as follows:

122.060 1. The clerk is entitled to receive as his fee for issuing the license the sum of $13.

2. The clerk shall also at the time of issuing the license collect the sum of $3 and pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

3. The clerk shall also at the time of issuing the license collect the additional sum of [$7] *$4* for the State of Nevada. The fees collected for the state must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and

must be placed to the credit of the state fund. The county treasurer shall remit quarterly all such fees deposited by the clerk to the state treasurer for credit to the state general fund.

4. The clerk shall also at the time of issuing the license collect the additional sum of [$12] *$15* for the account for aid for victims of domestic violence in the state general fund. The fees collected for this purpose must be paid over to the county treasurer by the county clerk on or before the 5th day of each month for the preceding calendar month, and must be placed to the credit of that account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the state treasurer for credit to that account.

Sec. 4. 1. This section and section 1 of this act becomes effective on July 1, 1991.

2. Section 2 of this act becomes effective on July 1, 1994.

3. Section 3 of this act becomes effective on July 1, 1996.".

Amend the title of the bill, first line, by deleting "increasing" and inserting "revising".

Amend the summary of the bill, first line, by deleting "Increases" and inserting "Revises".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 269.

Remarks by Assemblyman Sader.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Anderson and Johnson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 222.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:31 p.m.

## ASSEMBLY IN SESSION

At 3:20 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 570, 622; Senate Joint Resolution No. 20; Assembly Bills Nos. 640 and 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Vice Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 395 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 479.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1338.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 5, to read as follows:

"Section 1. NRS 319.145 is hereby amended to read as follows:

319.145 1. The division is hereby designated as the housing credit agency for the State of Nevada, as that term is defined in 26 U.S.C. § 42(h)(7)(A), for the purpose of allocating and distributing credits for low-income housing pursuant to 26 U.S.C. 42.

2. The division:

(a) May adopt regulations establishing procedures necessary for the proper allocation and distribution of credits for low-income housing pursuant to 26 U.S.C. § 42; and

(b) Shall exercise all powers necessary to administer the allocation and distribution of those credits.

*3. The division may act for the State of Nevada as the agency to facilitate the state's designation as a participating jurisdiction in the HOME Investment Partnership Act (42 U.S.C. 12701 et seq.). Upon receiving such a designation, the division may exercise all powers necessary to administer the program.*

Sec. 2. NRS 319.510 is hereby amended to read as follows:

319.510 1. Money deposited in the trust fund for low-income housing must be used:

(a) For the acquisition, construction or rehabilitation of housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the division for the costs of administering the fund; and

(e) In any other manner consistent with this section to assist eligible families in obtaining or keeping housing [.] , *including use as the state's contribution to facilitate the receipt of related federal money.*

2. [The division shall not use more than $40,000 per year of the amount annually allocated] *Except as otherwise provided in this subsection, the division may expend money* from the fund as reimbursement for the necessary costs of efficiently administering the fund [.] *and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the state pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater.* Of the remaining money allocated from the fund:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the welfare division of the department of human resources for use in its program developed pursuant to 45 C.F.R. § 233.120 to provide emergency assistance to needy families with children, subject to the following:

(1) The welfare division shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to low-income housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the welfare division pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of housing for eligible families, subject to the following:

(1) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

(2) Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

(3) Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

(4) All money must be used to benefit families whose income does not exceed 60 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

(5) Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the

federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

(6) To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The division may, pursuant to contract and in lieu of distributing money to the welfare division pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Sec. 3. NRS 375.020 is hereby amended to read as follows:

375.020 1. A tax, at the rate of [60] *65* cents for each $500 of value or fraction thereof, is hereby imposed on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining on the interest or property at the time of sale, exceeds $100.

2. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

Sec. 4. NRS 375.070 is hereby amended to read as follows:

375.070 1. The county recorder shall transmit the proceeds of the real property transfer tax at the end of each quarter in the following manner:

(a) An amount equal to that portion of the proceeds which is equivalent to [5] *10* cents for each $500 of value or fraction thereof must be transmitted to the state treasurer who shall deposit that amount in the trust fund for low-income housing created pursuant to NRS 319.500.

(b) The remaining proceeds must be transmitted to the county treasurer, who shall in Carson City, and in any county where there are no incorporated cities, deposit them all in the general fund, and in other counties deposit 25 percent of them in the general fund and apportion the remainder as follows:

(1) If there is one incorporated city in the county, between that city and the county general fund in proportion to the respective populations of the city and the unincorporated area of the county.

(2) If there are two or more cities in the county, among the cities in proportion to their respective populations.

2. If there is any incorporated city in a county, the county recorder shall charge each city a fee equal to 2 percent of the real property transfer tax which is transferred to that city.

Sec. 5. 1. This section and sections 1 and 2 of this act become effective on July 1, 1991.

2. Sections 3 and 4 of this act become effective at 12:01 a.m. on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to low-income housing; authorizing the housing division of the department of commerce to act as the state's agent for a certain federal housing program; increasing the real property transfer tax; requiring the

proceeds collected from the increase to be deposited in the trust fund for low-income housing; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to low-income housing. (BDR S-1974)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1281.

Amend section 1, page 1, between lines 11 and 12, by inserting:

"*3. The commissioner shall adopt regulations prescribing the standards for determining whether an escrow agency has maintained adequate supervision of an escrow agent pursuant to the provisions of this chapter.*".

Amend sec. 7, page 4, line 46, after "Conduct" by inserting: "*or cause to be conducted each year an examination of each escrow agency licensed pursuant to this chapter.*

*(c) Conduct*".

Amend sec. 7, page 5, line 1, by deleting "(c)" and inserting "[(c)] *(d)*".

Amend sec. 7, page 5, line 4, by deleting "(d)" and inserting "[(d)] *(e)*".

Amend sec. 7, page 5, between lines 11 and 12, by inserting:

"*3. An escrow agency may engage a certified public accountant to perform such an examination in lieu of the division. In such a case, the examination must be equivalent to the type of examination made by the division and the expense must be borne by the escrow agency being examined.*

*4. The commissioner shall determine whether an examination performed by an accountant pursuant to subsection 3 is equivalent to an examination conducted by the division. The commissioner may examine any area of the operation of an escrow agency if the commissioner determines that the examination of that area is not equivalent to an examination conducted by division.*".

Amend sec. 11, page 6, by deleting lines 42 through 46 and inserting:

"*(o) In the case of an escrow agency, has:*

*(1) Failed to maintain adequate supervision of an escrow agent; or*

*(2) Instructed an escrow agent to commit an act which would be cause for the revocation of the escrow agent's license and the escrow agent committed the act. An escrow agent is not subject to disciplinary action for committing such an act under instruction by the escrow agency.*".

Amend sec. 19, page 9, between lines 37 and 38, by inserting:

"*3. The commissioner shall, with the approval of the commissioner of insurance, adopt regulations prescribing the standards for determining whether a title insurer or title agent has maintained adequate supervision of a title agent or title officer pursuant to the provisions of this chapter.*".

Amend sec. 23, page 11, by deleting lines 12 and 13 and inserting: "business hours,] *of insurance shall each year* examine *or cause to be examined* the *affairs, transactions,* agree-".

Amend sec. 23, page 11, by deleting line 17 and inserting:

"5. [No person may] *A title insurer may engage a certified public accountant to perform such an examination in lieu of the commissioner. In such a case, the examination must be equivalent to the type of examination made by the commissioner and the expense must be borne by the title insurer being examined.*

*6. The commissioner shall determine whether an examination performed by an accountant pursuant to subsection 5 is equivalent to an examination conducted by him. The commissioner may examine any area of the operation of a title insurer if the commissioner determines that the examination of that area is not equivalent to an examination conducted by him.*

*7. A person shall not* become licensed [in order] to".

Amend sec. 24, page 12, by deleting lines 27 through 30.

Amend sec. 25, page 13, line 18, by deleting "*A*".

Amend sec. 25, page 13, by deleting lines 19 through 21.

Amend the title of the bill by deleting the third and fourth lines and inserting: "department of commerce; requiring an annual examination of each escrow agency or title insurer doing business in this state; authorizing the establishment of fees; including as an".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 152.

Bill read second time and ordered to third reading.

Senate Bill No. 316.

Bill read second time and ordered to third reading.

Senate Bill No. 339.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 615.

Bill read second time and ordered to third reading.

Senate Bill No. 623.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 25.

Resolution read second time and ordered to third reading.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:27 p.m.

## ASSEMBLY IN SESSION

At 3:42 p.m.

Mr. Speaker presiding.

Quorum present.

### SECOND READING AND AMENDMENT

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1353.

Amend the bill as a whole by deleting sections 1 through 34 and adding new sections designated sections 1 through 35, to read as follows:

"Section 1. Chapter 3 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. There is hereby established, in each judicial district that includes a county whose population is 100,000 or more, a family court as a division of the district court.*

*2. If the caseload of the family court so requires, the presiding judge of the district, or the district judges by mutual consent in a district in which there is no presiding judge, may assign one or more judges of the district to act temporarily as judges of the family court.*

*3. If for any reason a judge of the family court is unable to act, any other district judge of the judicial district may be assigned as provided in subsection 2 to act temporarily as judge of the family court.*

*4. A judge assigned to the family court pursuant to subsection 2 or 3 for a period of 90 or more days must attend the instruction required pursuant to section 5 of this act. Judges must not be assigned to the family court pursuant to subsections 2 and 3 on a rotating basis.*

Sec. 3. *1. In each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:*

*(a) Brought pursuant to chapter 62, 123, 125, 125A, 125B, 126, 127, 128, 129, 130, 159, 425 or 432B of NRS.*

*(b) Brought pursuant to chapter 31A of NRS, except to the extent that NRS 31A.010 authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.*

*(c) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.*

*(d) For judicial approval of the marriage of a minor.*

*(e) Otherwise within the jurisdiction of the juvenile court.*

*(f) For judicial approval of the compromise of a claim of a minor.*

*(g) To establish the date of birth, place of birth or parentage of a minor.*

*(h) To change the name of a minor.*

*(i) For a judicial declaration of the sanity of a minor.*

*(j) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.*

*2. The family court, where established, and the justices' court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.*

Sec. 4. *1. The family court shall, wherever practicable and appropriate, encourage the resolution of disputes before the court through nonadversarial methods or other alternatives to traditional methods of resolution of disputes.*

*2. The family court or, in a judicial district that does not include a family court, the district court, shall enter into agreements or otherwise cooperate with local agencies that provide services related to matters within the jurisdiction of family courts to assist the family court or district court in providing the necessary support services to the families before the court.*

Sec. 5. *1. Unless he has previously attended such a course, each district judge who is first elected or appointed on or after November 3, 1992, in a judicial district that does not include a county whose population is 100,000 or more, and each district judge in every other judicial district who is first assigned or elected on or after November 3, 1992, to be the judge of the juvenile court or family court in his judicial district, shall attend instruction at the National College of Juvenile and Family Law in Reno, Nevada, in a course designed for the training of new judges of juvenile courts and family courts.*

*2. Each judge to whom this section applies shall attend the instruction provided when it is offered for the first time after his election, appointment or assignment, unless he is excused by written order of the presiding judge of his judicial district, or if the judicial district has only one judge, by a justice of the supreme court.*

*3. The cost of the instruction must be paid from the account for continuing judicial education.*

Sec. 6. NRS 3.012 is hereby amended to read as follows:

3.012 For the second judicial district there must be [10] *11* district judges [.] *, 1 of whom must be a judge of the family court.*

Sec. 7. NRS 3.018 is hereby amended to read as follows:

3.018 For the eighth judicial district there must be [16] *22* district judges [.] *, 6 of whom must be judges of the family court.*

Sec. 8. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as limited by subsection 2, justices' courts have jurisdiction of the following civil actions and proceedings and no others except as provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $5,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is

raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $5,000.

(c) Except as otherwise provided in paragraph (1) in actions for a fine, penalty or forfeiture not exceeding $5,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $5,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $5,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $5,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $5,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $5,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $5,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) [To issue] *Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of* a temporary or extended order for protection against domestic violence.

(n) In small claims actions under the provisions of chapter 73 of NRS.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justices' courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada highway patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice's court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 9. NRS 49.295 is hereby amended to read as follows:

49.295 1. Except as provided in subsections 2 and 3 and NRS 49.305:

(a) A husband cannot be examined as a witness for or against his wife without his consent, nor a wife for or against her husband without her consent.

(b) Neither a husband nor a wife can be examined, during the marriage or afterwards, without the consent of the other, as to any communication made by one to the other during marriage.

2. The provisions of subsection 1 do not apply to a:

(a) Civil proceeding brought by or on behalf of one spouse against the other spouse;

(b) Proceeding to commit or otherwise place his spouse, the property of his spouse or both the spouse and the property of the spouse under the control of another because of the alleged mental or physical condition of the spouse;

(c) Proceeding brought by or on behalf of a spouse to establish his competence;

(d) Proceeding in the juvenile court *or family court* pursuant to chapter 62 of NRS and NRS 432B.410 to 432B.590, inclusive; or

(e) Criminal proceeding in which one spouse is charged with:

(1) A crime against the person or the property of the other spouse or of a child of either, or of a child in the custody or control of either, whether the crime was committed before or during marriage.

(2) Bigamy or incest.

(3) A crime related to abandonment of a child or nonsupport of a wife or child.

3. The provisions of subsection 1 do not apply in any criminal proceeding to events which took place before the husband and wife were married.

Sec. 10. NRS 62.020 is hereby amended to read as follows:

62.020 [When] *As* used in this chapter, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older, or a person between the ages of 16 and 18 who has been certified as an adult.

2. "Child" means a person less than 18 years of age or a person less than 21 years of age who committed an act of delinquency before reaching the age of 18 years.

3. "Court" means the juvenile division of the district court.

4. "Judge" means the judge of the juvenile division of the district court.

5. *"Juvenile court" or "juvenile division" means:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

*6.* "Minor traffic offense" means a violation of any state or local law, ordinance or resolution governing the operation of a motor vehicle upon any street, alley or highway within [the State of Nevada] *this state* other than:

(a) Manslaughter;

(b) Driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a drug in violation of NRS 484.379; or

(c) Any traffic offense declared to be a felony.

Sec. 11. NRS 62.038 is hereby amended to read as follows:

62.038 1. In [counties where] *any judicial district in which* there are two or three judges, the judges, by mutual consent, may assign, during such periods as they [may] order, all the powers and duties granted them [under] *pursuant to* this chapter to any one of their number, or they may divide the powers and duties between them in any manner they see fit.

2. In [counties where] *any judicial district, except a district that includes a county whose population is 100,000 or more, in which* there are four or more judges, the judges, by mutual consent, shall assign one such district judge to serve for [a period of] 2 years as the judge of the juvenile division of [such] *the* district court. If the judges cannot agree, the chief justice of the supreme court shall assign one such district judge to serve for [a period of] 2 years as the judge of the juvenile division . [of such district court.] All the powers and duties granted to district judges [under] *pursuant to* this chapter [shall] devolve upon the district judge so assigned and his primary duties [shall be] *are* to administer the provisions of this chapter.

*3.* If [from any cause] *for any reason* the designated district judge is unable to act, any other district judge of the [county] *judicial district* may act temporarily as judge of the juvenile division of [such] *the* court during the absence or disability of the judge regularly assigned thereto.

Sec. 12. NRS 62.123 is hereby amended to read as follows:

62.123 1. [The judge or judges of] *In* each judicial district which includes a county whose population is 100,000 or more [shall appoint] , *there must be appointed* a director of juvenile services . *The appointment must be made by the judge or judges of the family division of the district court who are assigned by the judges of that division to hear matters arising under this chapter or otherwise within the jurisdiction of the juvenile court. The appointment must be made from a list of candidates recommended by the probation committee.*

2. *The director of juvenile services is* directly responsible to the *family* court . [to] *He shall* coordinate the services of and serve as liaison between the court and all agencies in the judicial district dealing with juveniles, including, but not limited to [, the] *:*

*(a) The* welfare division of the department of human resources [, the] *;*

*(b) The* public schools of the judicial district [, all] *;*

*(c) All* law enforcement agencies of the judicial district [, the] *;*

*(d) The* probation committee *;* [,] and

*(e) The* detention home or facilities of the judicial district.

The director [of juvenile services] may also be responsible for carrying out preventive programs relating to juvenile delinquency.

*3.* The director [of juvenile services shall serve as administrative officer of the juvenile court and shall relieve the judge or judges of all administrative duties in connection therewith.

2. The director of juvenile services must be appointed by the judge of the juvenile division from a list of candidates recommended by the probation committee.

3.] *shall administer the functions of the family court relating to matters arising under this chapter or otherwise within the jurisdiction of the juvenile court.*

*4.* The director [of juvenile services] shall serve at the pleasure of the court and is subject to removal or discharge only after having been given reasons therefor, in writing, and after having been afforded an opportunity to be heard before the [judge] *court* to answer thereto.

[4.] *5.* The director [of juvenile services] is entitled to such staff of employees to assist in the performance of his duties as is advised by the probation committee, approved by the judge *or judges* of the [juvenile] *family* division, and consented to by the board or boards of county commissioners of the county or counties served by the judicial district.

[5.] *6.* The salary of the director [of juvenile services] must be fixed by the judge *or judges* of the [juvenile] *family* division, with the advice of the probation committee and the consent of the board or boards of county commissioners of the county or counties served by the judicial district.

*7. As used in this section, "matter otherwise within the jurisdiction of the juvenile court" means any proceeding that would be within the jurisdiction of the juvenile division of the district court if it were pending in any judicial district other than one described in subsection 1.*

Sec. 12.5. NRS 125.005 is hereby amended to read as follows:

125.005 1. In any action for divorce, annulment or separate maintenance, or any proceeding in which the support for or custody and visitation of a minor child is an issue, the district judge may appoint any person qualified by previous experience, training and demonstrated interest in domestic relations as referee.

2. Subject to the specifications and limitations stated in the order of appointment, the referee shall hear all disputed factual issues and make written findings of fact and recommendations to the district judge.

3. The proceedings before the referee must be conducted in the same manner as in the district court. The referee may rule upon the admissibility of evidence unless otherwise directed by the court. He may call the parties to the action and other witnesses and may examine them under oath.

4. The report of the referee must be furnished to each party or his attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the report, either party may file and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact unless clearly erroneous, and judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter and enter such order, judgment or decree as is just, equitable and appropriate.

5. The compensation of a referee appointed pursuant to this section must not be taxed against the parties but must be fixed by the judge to be paid from appropriations made by the board of county commissioners for the expenses of the district court.

*6. The provisions of this section apply only in judicial districts that do not include a county whose population is 400,000 or more.*

Sec. 13. NRS 128.013 is hereby amended to read as follows:

128.013 1. "Injury" to a child's health or welfare occurs when the parent, guardian or custodian:

(a) Inflicts or allows to be inflicted upon the child, physical, mental or emotional injury, including injuries sustained as a result of excessive corporal punishment;

(b) Commits or allows to be committed against the child, sexual abuse as defined in NRS 432B.100;

(c) Neglects or refuses to provide for the child proper or necessary subsistence, education or medical or surgical care, although he is financially able to do so or has been offered financial or other reasonable means to do so; or

(d) Fails, by specific acts or omissions, to provide the child with adequate care, supervision or guardianship under circumstances requiring the intervention of [the] *:*

*(1) The* welfare division of the department of human resources [or a] *;*

*(2) A* county agency authorized by the juvenile court *or family court* to receive and investigate reports of abuse or neglect of a child pursuant to NRS 432B.300 [, or of the] *; or*

*(3) The juvenile or family* court itself.

2. A child's health or welfare is not considered injured solely because his parent or guardian, in the practice of his religious beliefs, selects and depends upon nonmedical remedial treatment for the child, if such treatment is recognized and permitted under the laws of this state.

Sec. 14. NRS 128.0155 is hereby amended to read as follows:

128.0155 "Plan" means:

1. A written agreement between the parents of a child who is a ward of the juvenile court *or family court* pursuant to chapter 62 or 432B of NRS and the agency having custody of the child; or

2. Written conditions and obligations imposed upon the parents directly by the juvenile *or family* court,

which have a primary objective of reuniting the family or, if the parents neglect or refuse to comply with the terms and conditions of the case plan, freeing the child for adoption.

Sec. 15. NRS 129.080 is hereby amended to read as follows:

129.080 Any minor who is at least 16 years of age, married or living apart from his parents or legal guardian, and who is a resident of the county, may petition the juvenile division *or family division* of the district court of that county for a decree of emancipation. The district court may refer the petition to a master appointed pursuant to chapter 62 or 432B of NRS.

Sec. 16. NRS 129.130 is hereby amended to read as follows:

129.130 1. If the court determines that the petition should be granted, it shall enter a decree of emancipation.

2. A decree so entered is conclusive and binding.

3. Such a decree emancipates the minor for all purposes and removes the disability of minority of the minor insofar as that disability may affect:

(a) The incurring of indebtedness or contractual obligations of any kind;

(b) The litigation and settlement of controversies;

(c) The acquiring, encumbering and conveying of property or any interest therein;

(d) The consenting to medical, dental or psychiatric care without parental consent, knowledge or liability;

(e) The enrolling in any school or college; and

(f) The establishment of his own residence.

For these purposes, the minor shall be considered in law as an adult, and any obligation he incurs is enforceable by and against him without regard to his minority.

4. Unless otherwise provided by the decree, the obligation of support otherwise owed a minor by his parent or guardian is terminated by the entry of the decree.

5. Except as otherwise provided in this section, a decree of emancipation does not affect the status of the minor for any purpose, including the applicability of any provision of law which:

(a) Prohibits the sale, purchase or consumption of intoxicating liquor to or by a person under the age of 21 years;

(b) Prohibits gaming or employment in gaming by or of a person under the age of 21 years;

(c) Restricts the ability to marry of a person under the age of 18 years;

(d) Governs matters relating to referrals for delinquent acts [and violation] *or violations* of NRS 392.040 to 392.125, inclusive, unless the minor has been certified [by the juvenile division of the district court] for trial as an adult pursuant to chapter 62 of NRS; or

(e) Imposes penalties or regulates conduct according to the age of any person.

6. A petition may be filed by any person or by any public agency to void a decree of emancipation on the following grounds:

(a) The minor has become indigent and has insufficient means of support; or

(b) The decree of emancipation was obtained by fraud, misrepresentation or the withholding of material information.

7. The voiding of any decree of emancipation must not alter any contractual obligations or rights or any property rights or interests which arose during the period that the decree was in effect.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads or is found guilty of a misdemeanor, including the violation

of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

| Fine | Assessment |
|---|---|
| $5 to $49 | $10 |
| 50 to 59 | 25 |
| 60 to 69 | 30 |
| 70 to 79 | 35 |
| 80 to 89 | 40 |
| 90 to 99 | 45 |
| 100 to 199 | 55 |
| 200 to 299 | 65 |
| 300 to 399 | 75 |
| 400 to 499 | 85 |
| 500 to 1,000 | 100 |

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

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dropped, the money deposited with the court must be returned to the defendant.

4. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) One dollar and fifty cents to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders.

(b) Two dollars and fifty cents for credit to a special account in the municipal general fund for the use of the municipal courts.

(c) The remainder of each assessment to the state treasurer for credit to a special account in the state general fund.

5. The money collected for administrative assessments in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) One dollar and fifty cents for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders.

(b) Two dollars and fifty cents for credit to a special account in the county general fund for the use of the justices' courts.

(c) The remainder of each assessment to the state treasurer for credit to a special account in the state general fund.

6. The money apportioned to a juvenile court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operation of the court and to acquire a computer or the use of one.

7. Of the total amount deposited in the state general fund pursuant to subsections 4 and 5, the state controller shall distribute the money received to the following public agencies in the following amounts for each assessment received up to the amounts authorized by the legislature:

(a) Six dollars to the office of the court administrator for allocation as follows:

(1) One dollar and fifty cents for the administration of the courts.

(2) Eighty cents for the development of a uniform system for judicial records.

(3) Seventy cents for continuing judicial education.

(4) Three dollars for the supreme court.

(b) Based upon the availability of money from the assessment and to the extent of legislative authorization, not more than $1 for the peace officers' standards and training committee of the department of motor vehicles and public safety for the continuing education of persons whose primary duties are law enforcement.

(c) The remainder of any amount so deposited must be used to the extent of legislative authorization for the support of:

(1) The central repository for Nevada records of criminal history;

(2) The activities of the investigation division of the department of motor vehicles and public safety related to law enforcement;

(3) The operation by the Nevada highway patrol of a computerized switching system for information related to law enforcement; and

(4) The fund for the compensation of victims of crime.

*8. As used in this section, "juvenile court" means:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

Sec. 19. NRS 210.010 is hereby amended to read as follows:

210.010 As used in NRS 210.010 to 210.290, inclusive:

1. "Administrator" means the administrator of the youth services division in the department of human resources.

2. "Director" means the director of the department of human resources.

3. *"Juvenile court" means:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

*4.* "School" means the Nevada youth training center. [, established and maintained for the care of minors adjudged delinquent and committed thereto.

4.] *5.* "Superintendent" means the superintendent of the school.

[5.] *6.* "Youth parole bureau" means the youth parole bureau of the youth services division in the department of human resources.

Sec. 20. NRS 210.400 is hereby amended to read as follows:

210.400 As used in NRS 210.400 to 210.715, inclusive:

1. "Administrator" means the administrator of the youth services division in the department of human resources.

2. "Director" means the director of the department of human resources.

3. *"Juvenile court" means:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

*4.* "School" means the Caliente youth center.

[4.] *5.* "Superintendent" means the superintendent of the school.

[5.] *6.* "Youth parole bureau" means the youth parole bureau of the youth services division in the department of human resources.

Sec. 21. NRS 213.230 is hereby amended to read as follows:

213.230 As used in NRS 213.220 to 213.290, inclusive:

1. "Department" means the department of human resources.

2. "Juvenile court" means [the juvenile court of any judicial district.] *:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

3. "Special supervision program" means a probation program meeting the standards prescribed pursuant to NRS 213.220 to 213.290, inclusive, for the rehabilitation of offenders who were less than 18 years of age at the time of violating any state law, which does include:

(a) A degree of supervision substantially above the usual; and

(b) The use of new techniques rather than routine supervision techniques.

Sec. 22. NRS 232.400 is hereby amended to read as follows:

232.400 1. The purpose of the youth services division in the department is to provide services for youth who are in need of residential care or in need of treatment or both. In accomplishing this purpose, the division shall work closely with other governmental agencies and with public and private agencies providing the same or similar service.

2. The department, through the division, is the sole state agency for the establishment of standards for the receipt of federal money in the field of juvenile development and for programs to prevent, combat and control delinquency. The administrator, subject to approval by the director, may develop state plans, make reports to the Federal Government and comply with such other conditions as [may be] *are* imposed by the Federal Government for the receipt of assistance for such programs. In developing and revising state plans, the administrator shall consider, among other things,

the amount of money available from the Federal Government for the programs and the conditions attached, and the limitations of legislative appropriations for the programs.

3. The administrator shall cause to be deposited with the state treasurer all money allotted to this state by the Federal Government for the purposes described in this section and shall cause to be paid out of the state treasury the money therein deposited for those purposes.

4. The division shall develop standards for carrying out programs aimed toward the prevention of delinquent acts of children and programs for the treatment of those brought to its attention. It shall assist in the development of programs for the predelinquent children whose behavior tends to lead them into contact with law enforcement agencies.

5. The division shall develop and assist in carrying out programs for the diversion of juveniles out of the judicial system and programs for the aftercare of juveniles who have been released from state institutions, who have been brought before the juvenile court *or family court* or have otherwise come into contact with law enforcement agencies. The administrator of the division [is responsible for observing and evaluating] *shall observe and evaluate* the success of those programs.

Sec. 23. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

*As used in NRS 244.297, 244.298 and 244.299, "juvenile court" means:*

*1. In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*2. In any other judicial district, the juvenile division of the district court.*

Sec. 24. NRS 293.197 is hereby amended to read as follows:

293.197 *1.* In any judicial district [of this state having] *that has* more than one district judge, each department [shall be] *is* a separate office for the purposes of nominating and electing the district judge [thereof.] *of that department.*

*2. In any judicial district that includes a county whose population is 100,000 or more:*

*(a) The departments of the family division of the district court must be denoted as such on all ballots and sample ballots, using the words "district court judge, family division, department ....." Each such department must be designated with a letter, beginning with "A" and continuing in sequence for each department.*

*(b) The remaining departments of the district court must be denoted as such on all ballots and sample ballots, using the words "district court judge, department ....." Each such department must be designated with a numeral, beginning with "1" and continuing in sequence for each department.*

Sec. 25. NRS 388.550 is hereby amended to read as follows:

388.550 *1.* With the approval of the juvenile court and the board of county commissioners, the board of trustees of a school district may employ necessary legally qualified teachers for the instruction of children detained in:

[1.] *(a)* A detention home or alternative program maintained by the county pursuant to the provisions of NRS 62.180.

[2.] *(b)* A juvenile forestry camp established by the county pursuant to the provisions of NRS 244.297.

[3.] *(c)* A juvenile training school established by the state pursuant to the provisions of chapter 210 of NRS.

*2. As used in this section, "juvenile court" means:*

*(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*(b) In any other judicial district, the juvenile division of the district court.*

Sec. 26. NRS 392.090 is hereby amended to read as follows:

392.090 After review of the case, the juvenile division *or family division* of the district court may issue a permit authorizing any child who has completed the eighth grade to leave school.

Sec. 27. NRS 422.300 is hereby amended to read as follows:

422.300 1. In any county where it is deemed advisable, the judge of the juvenile court *or family court* may establish a youth services commission.

2. Each youth services commission shall consist of five persons appointed by the judge of the [juvenile] court.

3. The youth services commission shall advise with the welfare division, the governing bodies of each city and the county, the judge of the [juvenile] court, the governor and the legislature to:

(a) Determine the extent to which various departments, agencies and organizations may wish to cooperate in a common effort to coordinate their existing programs and develop new programs to reduce the incidence of juvenile delinquency;

(b) Develop necessary formal agreements among such departments, agencies and organizations, including agreements involving the joint exercise of power;

(c) Initiate, where feasible, other special projects in delinquency prevention by utilizing and coordinating existing resources within the community; and

(d) Seek and secure [moneys] *money* and resources to carry out the purposes of the youth services commission.

Sec. 28. NRS 432B.050 is hereby amended to read as follows:

432B.050 "Court" means *:*

*1. In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or*

*2. In any other judicial district,* the juvenile division of the district court.

Sec. 29. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. The court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the [juvenile] court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 30. NRS 435.081 is hereby amended to read as follows:

435.081 1. The administrator or his designee may receive a mentally retarded person of this state for services in a facility operated by the division if:

(a) He is mentally retarded as defined in NRS 433.174 and is in need of institutional training and treatment;

(b) Space is available which is designed and equipped to provide appropriate care for him;

(c) The facility has or can provide an appropriate program of training and treatment for him; and

(d) There is written evidence that no less restrictive alternative is available in his community.

2. A mentally retarded person may be accepted at a division facility for emergency evaluation when the evaluation is requested by a court. A person must not be retained pursuant to this subsection for more than 10 working days.

3. A court may order that a mentally retarded person be admitted to a division facility if it finds that admission is necessary because of the death or sudden disability of the parent or guardian of the person. The person must not be retained pursuant to this subsection for more than 45 days. Before the expiration of the 45-day period the division shall report to the court its recommendations for placement or treatment of the person. If less restrictive alternatives are not available, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

4. A child may be received, cared for and examined at a division facility for the mentally retarded for not more than 10 working days without admission, if the examination is ordered by a [juvenile] court having jurisdiction of the minor in accordance with the provisions of paragraph (e) of subsection 1 of NRS 62.211 and subsection 1 of NRS 432B.560. At the end of the 10 days, the administrator or his designee shall report the result of the examination to the [juvenile] court and shall detain the child until the further order of the court, but not to exceed 7 days after the administrator's report.

5. The parent or guardian of a person believed to be mentally retarded may apply to the administrative officer of a division facility to have the person evaluated by personnel of the division who are experienced in the diagnosis of mental retardation. The administrative officer may accept the person for evaluation without admission.

6. If, after the completion of an examination or evaluation pursuant to subsection 4 or 5, the administrative officer finds that the person meets the criteria set forth in subsection 1, the person may be admitted to the facility using the procedures for voluntary or involuntary admission, as appropriate.

7. If, at any time, the parent or guardian of a person admitted to a division facility on a voluntary basis, or the person himself if he has attained the age of 18 years, requests in writing that the person be discharged, the administrative officer shall discharge the person. If the administrative officer

finds that discharge from the facility is not in the person's best interests, he may initiate proceedings for involuntary admission, but the person must be discharged pending those proceedings.

Sec. 31. NRS 609.250 is hereby amended to read as follows:

609.250 Except for employment as a performer in a motion picture, it is unlawful for any person [, firm, or corporation] to employ any child under 14 years of age in any business or service [whatever] during the hours in which the public schools of the school district in which the child resides are in session, unless the child has been excused from attendance by the school district or [under] *by* order of the juvenile division *or family division* of the district court for the purpose of employment.

Sec. 32. NRS 62.034 is hereby repealed.

Sec. 33. 1. The additional district judges required for the second and eighth judicial districts pursuant to sections 6 and 7 of this act must be selected at the general election held on November 3, 1992, and shall take office on January 4, 1993.

2. The terms of these judges expire on January 4, 1999.

Sec. 34. 1. The National Council of Juvenile and Family Court Judges shall conduct a study to determine the appropriate workload levels for the family courts. The Council shall conduct the study in cooperation with the staff of the legislative counsel bureau and report the results of the study to the 67th session of the legislature.

2. The Council shall conduct an operational study of the family courts for the period from January 1, 1992, through December 31, 1994, and report the results of the study to the 68th session of the legislature.

3. The district court of each judicial district in which a family court is not created by the provisions of this act shall report to the 67th session of the legislature concerning whether the court desires to have a family court created in the district. The report may include recommendations for modification of the provisions of this act to accommodate the creation of a family court in such districts.

Sec. 35. 1. There is hereby appropriated for the state general fund the sum of $285,000 for the salaries and judicial pensions of the additional district judges required by sections 6 and 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 36. 1. This section and sections 24 and 34 of this act become effective on July 1, 1991.

2. Sections 6, 7 and 33 of this act become effective on November 3, 1992.

3. The remaining sections of this act become effective January 4, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to district courts; increasing the number of district judges provided for the second and eighth judicial districts; creating the family

court as a division of the district court in certain judicial districts; making an appropriation; providing for the jurisdiction of the court; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1360.

Amend sec. 5, page 2, by deleting line 1 and inserting:

"(a) A partner or other co-owner of a business;".

Amend sec. 5, page 2, line 3, by deleting "A" and inserting: "Except as otherwise provided in subsection 3, a".

Amend sec. 5, page 2, between lines 14 and 15 by inserting:

"(c) A newspaper carrier or the immediate supervisor of a newspaper carrier who is an independent contractor of the newspaper and receives wages solely from persons who purchase the newspaper.

(d) A person who performs all or substantially all of his duties for the business outside of this state.".

Amend sec. 5, page 2, by deleting line 16 and inserting: "he contracts.".

Amend sec. 7, page 2, line 20, by deleting "1.".

Amend sec. 7, page 2, by deleting lines 25 through 31 and inserting: "or successor form, for the activity or activities.".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. A natural person who does not employ any employees during a calendar quarter is exempt from the provisions of this chapter for that calendar quarter.".

Amend sec. 8, page 2, line 46, by deleting "executive".

Amend sec. 8, page 3, by deleting lines 3 through 8.

Amend sec. 8, page 3, line 9, by deleting "6." and inserting "5.".

Amend sec. 9, page 3, line 19, after "2." by inserting: "Except as otherwise provided in section 9.5 of this act, the average number of employees for a quarter must be calculated by determining the number of employees on the payroll of the business during the week that includes the 12th day of the month for each of the months in the quarter. The number so derived for each of the months in the quarter must be added together and then divided by three to determine the average number of employees for the business.

3.".

Amend sec. 9, page 3, line 40, by deleting "3." and inserting "4.".

Amend sec. 9, page 3, line 44, by deleting "4." and inserting:

"5. For the purposes of this section:

(a) The average number of employees of a business does not include a sole proprietor or one person in any unincorporated business, who shall be deemed the owner of the business rather than an employee.

(b) The businesses conducted by a corporation, partnership, proprietorship, business association or similar organization or by a natural person shall be deemed a single business if:

(1) The businesses are similar or related; and

(2) In the case of businesses conducted by a corporation, partnership, proprietorship, business association or similar organization, the businesses are affiliated.

(c) If a person supplies more than 999 employees to a business, the employees supplied to the business shall be deemed a separate business of the person who supplies the employees.

6.".

Amend sec. 9, page 4, between lines 2 and 3, by inserting:

"7. As used in this section:

(a) "Affiliated" means to be directly or indirectly controlling, controlled by or under common control with another person.

(b) "Control" means the power to direct or cause the management, operations or policies of a person, through direct or indirect ownership of that person.".

Amend the bill as a whole by adding a new section designated sec. 9.5, following sec. 9, to read as follows:

"Sec. 9.5. 1. A business may elect to pay the tax imposed by section 9 of this act on the basis of the average number of employees determined pursuant to the provisions of this section in lieu of the provisions of subsection 2 of section 9 of this act. The election must be made on or before the date the first payment of the fiscal year is made. An election made pursuant to this subsection applies for all four payments due during the fiscal year in which the election is made.

2. If a business elects to pay the tax pursuant to the provisions of this section, the total dollar amount of the payroll of the employer for the calendar quarter upon which the tax is based must be divided by the average wage factor for the fiscal year to determine the average number of employees of the business. The amount of tax due pursuant to subsection 3 of section 9 of this act must be calculated based upon the average number of employees determined pursuant to this subsection.

3. The average wage factor for fiscal year 1991-1992 is $3,120. The factor must be cumulatively increased or decreased by the department for each fiscal year by a percentage equal to the percentage change in the Consumer Price Index for the preceding calendar year.

4. If 50 percent or more of the employees of a business average working 20 hours or less per week, the business may petition the executive director to allow it to prove that it pays a substantially higher average wage than the average wage factor for the fiscal year to which the petition applies for the purposes of determining its number of employees pursuant to this section. The business shall pay the tax based upon the average wage factor for the

fiscal year pending the determination of the petition. An adverse decision of the executive director may be appealed to the commission. The decision of the commission is a final decision. If the executive director, or the commission upon appeal, determines that the business meets the requirements of this subsection, the business may apply the formula set forth in subsection 2 using the higher wage approved for the business pursuant to this subsection in place of the average wage factor. The number of employees determined pursuant to the provisions of this subsection must be multiplied by 1.33 before it is used to determine the amount of tax due for the calendar quarter pursuant to subsection 3 of section 9 of this act.

5. The commission shall adopt regulations that provide for the development of average wage factors for businesses that are primarily engaged in the business of providing temporary or continuing employees to other businesses on a contract or fee basis. The regulations must ensure the development of average wage factors that equitably tax all such businesses and result in the payment by each business of an amount of tax that is approximately equal to comparable businesses of other types. The commission may require such additional information from these businesses as it deems necessary to carry out the provisions of this subsection.".

Amend sec. 11, page 4, by deleting lines 16 through 21 and inserting:

"Sec. 11. The executive director may request lists of employers, the number of employees employed by each employer and the total wages paid by each employer from the state industrial insurance system and the employment security department to carry out the provisions of this chapter.".

Amend sec. 13, page 4, line 33, by deleting "2" and inserting "3".

Amend sec. 14, page 4, line 38, after "for" by inserting: "maintaining the records of".

Amend sec. 17, page 5, line 44, after "amount" by inserting: "required to be paid".

Amend sec. 18, page 6, by deleting lines 19 through 28 and inserting:

"Sec. 18. A person who:

1. Is required to be licensed pursuant to chapter 624 of NRS; and

2. Contracts with a subcontractor who is required to be licensed pursuant to that chapter and to have a business license and pay the tax imposed by this chapter,

shall require proof that the subcontractor has a business license and has paid the tax imposed by this chapter before commencing payments to the subcontractor. For the purposes of this section, a subcontractor proves that he has a business license and has paid the tax imposed by this chapter by presenting a receipt for or other evidence that he made the last quarterly payment required pursuant to this chapter.".

Amend sec. 19, page 6, line 31, by deleting: "any county recorder" and inserting: "the county recorder of the county in which the business is located".

Amend sec. 25, page 8, line 35, after "Carson City" by inserting: "or Clark County".

Amend sec. 29, page 9, line 14, after "Carson City" by inserting: "or Clark County".

Amend sec. 29, page 9, line 15, after "Carson City" by inserting: "or Clark County".

Amend the bill as a whole by adding new sections designated sections 36.2 through 36.8, following sec. 36, to read as follows:

"Sec. 36.2. NRS 78.160 is hereby amended to read as follows:

78.160 Each corporation organized pursuant to the laws of this state shall, within 60 days after the filing of its articles of incorporation with the secretary of state:

1. File a list of its officers and directors and a designation of its resident agent. The address of the resident agent must be the same as that of the principal office.

2. Pay to the secretary of state a fee of [$50.] *$75.*

3. File a copy of the designation of resident agent in the office of the county clerk of the county in which the principal office of the corporation in this state is located.

Sec. 36.4. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this state shall, on or before the last day of the month in which the anniversary date of its qualification to do business in this state occurs in each year, file with the secretary of state a list of its officers and directors and a designation of its resident agent in this state, certified by the president, secretary or other officer of the corporation.

2. Upon filing the list and designation, the corporation shall pay to the secretary of state a fee of [$50.] *$75.*

3. The secretary of state shall, 60 days before the last day for filing the list required by subsection 1, cause to be mailed to each corporation required to comply with the provisions of NRS 80.110 to 80.170, inclusive, and which has not become delinquent, the blank forms to be completed and filed with the secretary of state. Failure of any corporation to receive the forms does not excuse it from the penalty imposed by the provisions of NRS 80.110 to 80.170, inclusive.

Sec. 36.6. NRS 80.130 is hereby amended to read as follows:

80.130 Each foreign corporation coming into this state shall, within 60 days after the filing of its certificate of corporate existence with the secretary of state:

1. File a list of its officers and directors and a designation of its resident agent. The address of the resident agent must be the same as that of the principal office.

2. Pay to the secretary of state a fee therefor of [$50.] *$75.*

Sec. 36.8. NRS 89.090 is hereby amended to read as follows:

89.090 1. Each professional corporation shall, on or before the last day of the month in which the anniversary date of its incorporation occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all stockholders, directors, officers and employees in the corporation and shall certify that all stockholders, directors,

officers and employees are licensed or otherwise legally authorized to render professional service in this state. The statement must be made on a form prescribed by the secretary of state, but must not contain any fiscal or other information except that expressly called for by this section. The statement must be signed by the president or vice president of the corporation. The statement is in lieu of the regular annual report of corporations otherwise required by chapter 78 of NRS.

2. Upon filing the statement, the professional corporation shall pay to the secretary of state a fee of [$50.] *$75.* For default there must be added to the amount of the fee a penalty of $15.".

Amend sec. 37, page 10, by deleting lines 40 through 42 and inserting: "*applicant for the license signs an affidavit affirming that the business has complied with the provisions of sections 2 to 33, inclusive, of this act. The county license board shall provide upon request an application for a business license pursuant to sections 2 to 33, inclusive, of this act.*".

Amend sec. 38, page 12, by deleting lines 14 through 16 and inserting: "*applicant for the license signs an affidavit affirming that the business has complied with the provisions of sections 2 to 33, inclusive, of this act. The city licensing agency shall provide upon request an application for a business license pursuant to sections 2 to 33, inclusive, of this act.*".

Amend sec. 39, page 14, line 13, by deleting "*employers and*" and inserting "*employers,*".

Amend sec. 39, page 14, by deleting lines 14 and 15 and inserting: "*employer and the total wages paid by each employer to the department of taxation, upon request, for use in verifying returns for the business tax. The executive director may charge a reasonable fee to cover any related administrative expenses.*".

Amend sec. 40, page 15, by deleting line 20 and inserting: "*employers, the number of employees employed by each employer and the total wages paid by each employer to the*".

Amend sec. 40, page 15, line 22, after the period by inserting: "*The manager may charge a reasonable fee to cover any related administrative expenses.*".

Amend sec. 41, page 15, line 38, by deleting "$2,000,080" and inserting "$1,358,431".

Amend sec. 41, page 15, line 39, by deleting "$1,822,787" and inserting "$1,171,809".

Amend the bill as a whole by renumbering sec. 43 as sec. 44 and adding a new section designated sec. 43, following sec. 42, to read as follows:

"Sec. 43. 1. Notwithstanding any other provision of law to the contrary, a business whose rates were approved by a local governmental entity before July 1, 1991, may increase the previously approved rates by an amount which is reasonably estimated to produce an amount of revenue equal to the amount of taxes the business is required to pay pursuant to the provisions of this act.

2. Any increase in rates made pursuant to the provisions of subsection 1 must be made to all rates charged by the business in a manner which allocates the increase fairly among all persons who pay the rates.

3. The local governmental entity which approves the rates of the business shall regulate the increase allowed pursuant to this section to ensure that the increase produces the amount of revenue authorized by this section.".

Amend the title of the bill, third line, by deleting "fee" and inserting "fees.".

Amend the summary of the bill, second line, by deleting "fee" and inserting "fees.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 339.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1340.

Amend sec. 2, page 1, line 3, by deleting "*1.*" and inserting: "*As used in this chapter, unless the context otherwise requires:*

1.".

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. *Where practicable, a toll road established pursuant to this chapter must parallel existing roads.*".

Amend sec. 3, page 1, line 18, by deleting "*2*" and inserting "*3*".

Amend sec. 6, page 2, line 38, by deleting "*reserve*" and inserting "*revenue*".

Amend sec. 6, page 2, by deleting lines 43 through 46 and inserting: "*ate officer of the municipality shall transfer monthly from the fund to a debt service fund created for this purpose the amount of money necessary to make any payments of interest or principal that will be due in the following year for debt related to the toll road or toll bridge so that there will be a sufficient amount of money in the debt service fund to make all such payments.*".

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

"Sec. 6.5. *The governing body of a municipality shall not convert an existing road or bridge into a toll road or toll bridge pursuant to the provisions of this chapter solely to pay the cost of maintenance of the road or bridge.*".

Amend sec. 8, page 3, between lines 13 and 14, by inserting:

"*4. The director shall not convert an existing road or bridge into a toll road or toll bridge pursuant to the provisions of this chapter solely to pay the cost of maintenance of the road or bridge.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REMARKS FROM THE FLOOR

Assemblyman McGaughey requested that Assemblyman Goetting's remarks be entered in the Journal.

Mr. Speaker, to you and through you to this honorable body. We still have some difficult tasks at hand before we can reach adjournment. The fact that our great state is almost equally divided between major party affiliations is represented in the closeness of numbers in each house of this legislative building. Mr. Speaker, in our house the numbers are 21-21 on numerous philosophical issues. One of the three major issues yet to be dealt with is reapportionment. Mr. Speaker, that is why I am addressing this honorable body now. Mr. Speaker, it is no one person's fault and no one person or party is to blame for the lack of consensus we are able to reach on the subject of reapportionment. We all find ourselves in a difficult situation while the citizens of this great state look to us for the answers. Those same citizens can't understand the in-fighting in reaching that consensus. They, like us, would like to see this session end.

Mr. Speaker, it is for all of the above-mentioned reasons that I propose that the leadership of this house get together and decide to throw out both the Republican map and the Democratic map. Mr. Speaker, we then should call on our Legislative Counsel Bureau staff to step in, like they are ready to do, and produce a neutral set of maps which they can do within two days.

Mr. Speaker, we should instruct our staff to, first and foremost, respect the existing boundaries of each Senate and Assembly District so as to not disenfranchise the voter. It is that voter who sent us here and it is that voter who will decide whether or not to return us.

Mr. Speaker, this neutral process can be completed in four days according to staff. Two days in drawing the maps and two days to make any minor adjustments and put it in bill form.

We owe this solution to the people of our state, not some federal judge. Thank you, Mr. Speaker.

## SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 233, 455; Senate Bill No. 526; Assembly Joint Resolution No. 28; Assembly Concurrent Resolution No. 102; Senate Concurrent Resolutions Nos. 61, 62, 65; Assembly Resolution No. 8.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Elliott, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Beatrice Elliott and Bernice Jensen.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Dorian Walker Frazzini, Mr. Joe Wood and Mrs. Faye Wood.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sheryl Seaman, Messrs. Paul Seaman, Matt Seaman, Miss Katie Seaman, Mrs. Lisa Menath, Mr. Mike Menath, Masters Ryan Menath, Jacob Menath and Scotty Menath.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 22, 1991 at 8:00 a.m., and that it do so in honor and in memory of Del T. Landing.

Motion carried.

Assembly adjourned at 3:52 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-THIRD DAY

CARSON CITY (Saturday), June 22, 1991

Assembly called to order at 8:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we humbly come before Thee on this Saturday morning. In spite of the difficulties that face us, we are grateful for the many blessings that Thou has bestowed upon us. We are grateful for the health and strength that we enjoy, the great country in which we live, the bounties of life that we enjoy in our great state.

Our Father in Heaven, as we work to bring this session to a close, we ask for Thy power and influence to prevail, to especially bless our leadership in both houses with the inspiration they need to achieve this goal. Help us all to work toward this common goal asking for Thy assistance in everything we do to show more patience, more consideration and to work toward bringing this session to a close that will allow us to return to our families and our homes and other things that are essential in our lives. We ask this prayer humbly and do it in the name of the Messiah. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 51, 516, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Concurrent Resolutions Nos. 16, 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 63, 91, 100, 103, 104.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 631.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 320 and requests a conference, and appointed Senators Adler, Getto and Vergiels as a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Freeman, Krenzer and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 320.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 395 be placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assembly Concurrent Resolution No. 16.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

Assembly Concurrent Resolution No. 79.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By Assemblymen Dini, Price, Bergevin, Marvel, Sader, Humke, Kerns, Arberry, Lambert, McGaughey, Spriggs, Myrna Williams, Callister, Carpenter, Evans, Freeman, Garner, Porter, Wendell Williams, McGinness, Haller, Little, Anderson, Bache, Bayley, Bennett, Elliott, Giunchigliani, Goetting, Gregory, Hardy, Heller, Johnson, Krenzer, Norton, Petrak, Pettyjohn, Scherer, Spitler, Stout, Wong and Gibbons:

Assembly Concurrent Resolution No. 105—Commending Carol L. Moore on her 30th anniversary with the Nevada Assembly.

WHEREAS, Carol L. Moore was born in Reno, Nevada, to Jeff and Leona Springmeyer, and is a fourth generation Nevadan; and

WHEREAS, Carol has one son, Randy, and one granddaughter, Tiffany René, who was born on April 6, 1991, in Rye Patch, Nevada, where Randy is the Park Ranger; and

WHEREAS, Carol began her legislative career in 1961 as an Assembly Enrollment Clerk; and

WHEREAS, Because of her professionalism and excellent skills, Carol was promoted to Assembly Journal Clerk in 1969, and in 1973 she became the Assistant Chief Clerk; and

WHEREAS, Carol acquired her interest and dedication to her positions with the Legislature naturally, since her father, Jeff Springmeyer, served as Assistant Chief Clerk in 1943, Chief Clerk during the 1945 and 1947 sessions and finally retired from the position of Director of the Legislative Counsel Bureau in 1967; and

WHEREAS, Recently, during the absence of the Assembly Chief Clerk, Carol accepted full responsibility for this position and demonstrated her capabilities and knowledge of parliamentary procedure; and

WHEREAS, Carol has maintained friendships and good working relationships with former Assemblymen now serving in the Senate and with the staff of the Senate front desk; and

WHEREAS, Throughout her life, Carol has demonstrated her desire to succeed, including earning an Associate Degree in General Studies and an Associate Degree in Arts from Western Nevada Community College; and

WHEREAS, This multifaceted lady is also a gifted pianist, an accomplished private pilot, and has completed a class in fencing; and

WHEREAS, When time allows, Carol spends many hours studying the geology and biology of the State of Nevada, exploring caves and observing wildlife while camping in her trailer; and

WHEREAS, In past years, while "4-wheeling" around Carson City before it became a popular pastime, Carol occasionally would get stuck and have to hike home; and

WHEREAS, Among her major accomplishments it should be noted that she has accumulated an extensive collection of her favorite items, shoes; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 66th Session of the Legislature of the State of Nevada hereby commend Carol L. Moore on her 30th anniversary of service to the Nevada Legislature and especially for her dedication and the professional manner in which she recently assumed the numerous responsibilities of the Chief Clerk; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Carol L. Moore.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Porter, Price, Humke and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Carol L. Moore is clearly a very eclectic woman. Carol has been with this body almost as long as I've lived in the State of Nevada which surely means she knows more about what is going on here than any of us. I was very interested to find out that we have our own Imelda Marcos, but in a more serious vein, when things get really tough, you find out what a person is made of and we certainly found out with Carol during Mouryne's unhappy times. Carol jumped in and did a superb job. We are fortunate, indeed, to have the entire front desk but today we want to honor Carol and thank her for all the help and assistance she has given all of us. She certainly shows the best of the State of Nevada.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 105. I just couldn't pass this up. I first met "Granny" six years ago when I came to work here. She didn't quite know what to make of me then. She still doesn't know what to make of me. I will tell you a little story that happened yesterday. We've gotten to know each other very well this year because when I first got here, I didn't know quite what to do in this job and Granny has coached me along and sent me the bills and told me what to do and how to

do it. She is the one who actually makes me look like I know what I am doing. When I screw up, it's my fault, not hers, but yesterday, the chairman of Judiciary asked me to turn in a bill for the committee and he was out of the room. To show you Granny's loyalty, when I brought the bill down and turned it in, she finally came up and said, "Are you authorized to do this?" I said, "Yes, Granny, you know Bob told me to please call the committee and turn the bill in." She said, "Well, I don't know, if he's here in the building, I would really rather have him sign this than you." So, it only goes to show, Mr. Speaker, I don't know why she's so loyal to the chairman of Judiciary—maybe they go four-wheeling together—but she still doesn't trust me. Granny, I'm doing the best I can. Congratulations on your 30th anniversary. It is well deserved. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I would like to know what she was doing here when she came to work at nine years old. I have to say that it is with extreme pleasure and fondness that I would like to add my words to this resolution. Carol, of course, was here and has helped guide me through and teach me about procedures in various things. It's our benefit, it's the benefit of the state, it's a treasure that we have such wonderful people who come back year after year and that Carol has been doing this for some 30 years. Those people like Carol whose fingerprints are on so many of the laws and decisions that have been made because while our names get printed in the papers, sometimes good, bad or indifferent, but Carol who is back there really guiding us and making sure that things that we attempt to do are being done in a proper manner, that are really important. With her wonderful background with her father who, you know, here she is a second generation person who has been guiding Nevada for all these years and we really congratulate you. We are so pleased that we are here to be with you on your 30th anniversary and we would like to stay here another whole day with you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I would just like to add a few brief words. I don't mean to belabor it. I just want to wish Carol a happy 30th anniversary. It has been a pleasure for myself personally. I just think to sum it up—Carol you're a doll.

MR. SPEAKER:

With permission of the house, I would like to say a few words from the podium here. Carol and I have been working together for quite a while, I guess, a few days. I remember in 1973 when I was Speaker pro Tempore and I got my first chance to preside and she had to hold me up up here before I fell off the podium. Ever since then, you know when I really get in trouble, I tell her, "Carol what am I going to do now." She says, "Well, if you want me to call my dad up, I'll have him come over and straighten you out." Her dad is Jeff Springmeyer, who was our first director of the Legislative Counsel Bureau, I believe, and was an advisor here for many years and retired in '67. He was a renowned parliamentarian and Carol is also one of those. It has been a great working relationship and I have always really appreciated her. She is a loyal employee who is in there supporting the Chief Clerk all the way and has proved herself to be a very invaluable person on our staff. I just want to congratulate her for hanging in here for 30 years. You've seen a lot of them come and go but you are still here. Probably some more will come and go before you are done with your job here. Carol, thanks from all of us. We really appreciate it.

Resolution adopted unanimously.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblymen Stout, Johnson, Humke and Evans.

Roll call on Assembly Bill No. 440:

YEAS—37.

NAYS—Gregory, Johnson, Kerns, Spriggs, Wong—5.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Giunchigliani, Kerns, Little, Callister and Haller.

Roll call on Assembly Bill No. 537:

YEAS—36.

NAYS—Little, Pettyjohn—2.

Not voting—Gibbons, Goetting, Wendell Williams, Wong—4.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 639.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 639:

YEAS—42.

NAYS—None.

Assembly Bill No. 639 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 640.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1378.

Amend section 1, page 1, line 10, by deleting "75" and inserting "87.50".

Amend section 1, page 1, line 11, by deleting "3" and inserting "3.50".

Amend section 1, page 1, by deleting lines 12 through 15 and inserting:

"2. *In addition to the fees imposed pursuant to subsection 1, in a county whose population is 100,000 or more but less than 400,000 a surcharge of $3.50 for each form issued to a station other than a fleet station must be paid to the department of motor vehicles and public safety and accounted for separately in the pollution control fund. The state treasurer shall cause the*

*fees so collected to be transferred quarterly to the general fund of the county from which the money was collected. The county treasurer shall account separately for the money so received.*".

Amend section 1, page 1, line 16, by deleting: "*5, 6 and 7,*" and inserting: "*5 to 8, inclusive,*".

Amend section 1, page 2, by deleting lines 1 through 11 and inserting:

"[4.] *5.* The department of motor vehicles and public safety may by regulation establish a program to award grants of excess money in the pollution control fund to air pollution control agencies established pursuant to NRS 445.456 or 445.546. As used in this subsection, "excess money" means the money in excess of $500,000 remaining in the pollution control fund at the end of the fiscal year.".

Amend section 1, page 2, line 12, by deleting "*6.*" and inserting "[5.] *6.*".

Amend section 1, page 2, between lines 28 and 29, by inserting:

"*8. The air pollution control agency of a county in which a surcharge is imposed pursuant to subsection 2 shall administer a program to award grants for the reimbursement of the cost of acquiring and installing specialized nozzles and other equipment to control emissions of vapor into the air when motor vehicle fuel is dispensed into motor vehicles. The agency shall adopt criteria for such reimbursement, review each request for reimbursement and disburse the money in the county general fund collected pursuant to subsection 2 to the extent warranted by actual and necessary costs. The expenses incurred by the agency in administering the program are a charge against the money collected pursuant to subsection 2.*".

Amend sec. 2, page 2, by deleting lines 29 through 31 and inserting:

"Sec. 2. Grants of money may be made pursuant to subsection 8 of NRS 445.700 only with regard to original installations of nozzles and other equipment which are made on or after July 1, 1991. Priority must first be given to applicants who dispense the fewest number of gallons of motor vehicle fuel annually in the county.".

Amend sec. 3, page 2, line 32, after "effective" by inserting: "at 12:01 a.m.".

Amend sec. 3, page 2, line 33, by deleting "1993," and inserting "1994,".

Amend sec. 3, page 2, line 35, by deleting "1993." and inserting "1994.".

Amend sec. 3, page 2, line 36, by deleting "pollution control" and inserting "county general".

Amend sec. 3, page 2, line 37, by deleting "1993," and inserting "1994,".

Amend the title of the bill by deleting the second through fourth lines and inserting: "compliance issued to certain inspection stations; authorizing the use of the surcharge for the reimbursement of the cost of acquiring and installing specialized nozzles and other equipment to control emissions of vapor from motor vehicle fuel;".

Amend the summary of the bill, first line, by deleting "fleet" and inserting "certain inspection".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Giunchigliani, Johnson, Hardy and Gibbons.

Conflict of interest declared by Assemblyman Hardy.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 551 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry. Motion carried.

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

Assembly in recess at 9:31 a.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was re-referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 531; Senate Bills Nos. 51, 335 and 516 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 295 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 105 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1368.

Amend section 1, page 1, by deleting lines 16 through 23 and inserting: "*related facilities for persons with low incomes are exempt from taxation if the property is part of a qualified low-income housing project that is funded in part by federal money appropriated pursuant to 42 U.S.C. §§ 12701 et seq.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 51.

Bill read second time and ordered to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1375.

Amend sec. 2, page 1, line 20, by deleting "*residence.*" " and inserting: "*residence. I further swear (or affirm) that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote.*" ".

Amend sec. 2, page 2, lines 5 and 6, by deleting: "*within 10 days after he receives the application,*" and inserting: "*as soon as possible,*".

Amend sec. 5, page 3, line 41, by deleting "*register*";" and inserting: "*register*" *or "I swear (or affirm) that I reside in this precinct*";".

Amend sec. 5, page 3, line 44, by deleting: "*on this day*"; *or*" and inserting: "*for this election*"; *or*".

Amend sec. 5, page 4, line 2, by deleting the period and inserting: "*under penalty of perjury.*".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 9 through 11 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 293.524 is hereby amended to read as follows:

293.524 1. The department of motor vehicles and public safety shall inquire of each qualified elector who applies in person to register a motor vehicle, for the issuance, renewal or correction of any type of driver's license or for an identification card whether he desires to complete an application to register to vote by use of a single form containing the necessary information required by this chapter and subsection 2.

2. If the elector desires to complete an application for registration, he shall complete and sign an affidavit containing the following statement: I ....., do solemnly swear (or affirm) under penalty

of perjury that I am a citizen of the United States and that on the date of the next ensuing election I will have attained the age of 18 years and will have continuously resided in the State of Nevada, county of....., at least 30 days and in my precinct at least 10 days before the next ensuing election. I further swear (or affirm) under penalty of perjury that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence. ["] *I further swear (or affirm) that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote."*

3. For the purposes of this section, each employee specifically authorized to do so by the director of the department may oversee the completion of the affidavit and application. The authorized employee shall check the application for completeness and verify the information required by the affidavit of registration. The authorized employee shall stamp the application for registration to validate it and shall provide the applicant with a receipt verifying the submission of the application. The department shall, except as otherwise provided in this subsection, forward each such application on a weekly basis to the county clerk or, if applicable, to the registrar of voters of the county in which the applicant resides. During the 2 weeks immediately preceding the close of registration for an election the applications must be forwarded daily.

4. Upon receipt of such an application, the county clerk or registrar of voters shall determine whether the application is complete. If he determines that the application is complete, the applicant shall be deemed registered as of the date of the submission of the application. If he determines that the application is not complete, he shall notify the applicant by mail at the mailing address stated on the application of the additional information required. The applicant shall be deemed registered as of the date of the initial submission of the application if the additional information is provided before the close of registration. If the applicant has not provided the additional information before the close of registration, the incomplete application is void.

5. The secretary of state shall, with the approval of the director of the department of motor vehicles and public safety, adopt regulations which:

(a) Establish any procedure necessary to provide an elector who applies to register to vote pursuant to this section the opportunity to do so;

(b) Provide for the form of the application of registration to be used by the department of motor vehicles and public safety; and

(c) Provide for the transfer of the completed applications of registration from the department of motor vehicles and public safety to the appropriate county clerk or registrar of voters for inclusion in the election board registers and registrar of voters' register.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams and Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 516.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini and McGaughey:

Assembly Resolution No. 9—Designating certain assemblymen as regular and alternate members of the legislative commission.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That pursuant to the provisions of NRS 218.660 and the joint rules of the legislature, the following assemblymen are designated regular and alternate members of the legislative commission to serve until their successors are designated: Mr. Morse Arberry, Jr., Mr. Gene T. Porter, Mr. Robert M. Sader, Mrs. Joan A. Lambert, Mr. James W. McGaughey and Mrs. Gaylyn J. Spriggs are designated as the regular assembly members; Ms. Christina Giunchigliani and Mr. Rick C. Bennett are designated as the first and second alternate members, respectively, for Mr. Morse Arberry, Jr.; Mrs. Saundra Krenzer and Mr. Robert E. Price are designated as the first and second alternate members, respectively, for Mr. Gene T. Porter; Mr. Bernie Anderson and Mrs. Vivian L. Freeman are designated as the first and second alternate members, respectively, for Mr. Robert M. Sader; Mr. James A. Gibbons and Mr. Joe Elliott are designated as the first and second alternate members, respectively, for Mrs. Joan A. Lambert; Mr. Robert A. Wong and Mr. William D. Gregory are designated as the first and second alternate members, respectively, for Mr. James W. McGaughey; and Mr. John C. Carpenter and Mr. Bob L. Kerns are designated as the first and second alternate members, respectively, for Mrs. Gaylyn J. Spriggs.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Callister:

Assembly Bill No. 822—An Act relating to elections; establishing a program of education for children relating to elections and the political process; including the election and political processes within the course of study for children in public schools; directing the registrar of voters or the county clerk to provide for mock elections for children; and providing other matters properly relating thereto.

Assemblyman Callister moved that the bill be referred to the Committee on Legislative Functions and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 295.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1383.

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 9 as sections 5 through 7.

Amend sec. 9, page 2, line 23, by deleting "8" and inserting "6".

Amend sec. 9, page 2, line 25, by deleting: "1, 2, 3, 5 and 7" and inserting: "1 to 5, inclusive,".

Amend sec. 9, page 2, by deleting line 27.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 551 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 551.

Bill read third time.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 1119.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. As used in this act, unless the context otherwise requires:

1. "Contractor" means a person with a contractual agreement with the department to provide correctional services to prisoners at the facility.

2. "Correctional services" includes the following functions, services and activities when provided with regard to the facility:

(a) The operation of the facility, including management, custody of prisoners and security.

(b) Services for food, medical attention, transportation and sanitation, a commissary and other ancillary services.

(c) Development and implementation of systems for classification, management and information and other similar services.

(d) Education, training and programs for employment.

(e) Counseling, treatment programs and other programs for the special needs of the prisoners.

3. "Department" means the department of prisons.

4. "Director" means the director of the department of prisons.

5. "Facility" means the women's minimum security correctional facility proposed for construction in Las Vegas, including any physical improvement, any preliminary plan, study or survey related thereto, the land or the right to land, and any furnishings, machines, vehicles, apparatus or equipment used in connection therewith.

Sec. 2. 1. The department may enter into contracts for financing, acquiring, constructing or operating the facility.

2. The department may request that proposals for correctional services be submitted and must specify the requirements for the proposal.

3. Proposals submitted to the department must:

(a) Meet the requirements specified in the request; and

(b) Set a fixed price for the services offered.

Sec. 3. The department may not enter a contract for correctional services unless the contractor provides:

1. Evidence of his qualifications, experience and ability to comply with applicable court orders and correctional standards.

2. A plan of indemnification for liability, including indemnity for civil rights claims. The plan must protect the state from all claims and losses incurred as a result of the contract. The provisions of this subsection do not deprive a contractor or the state of the benefits of any law that limits its exposure to liability or damages.

3. Evidence of past performance of similar contracts, including audited financial statements for the past 5 years or for each of the years the contractor has been in operation, if less than 5 years, and other financial information as requested.

4. Management personnel necessary to carry out the terms of the contract.

Sec. 4. A contract entered into pursuant to the provisions of this act, including contracts for the provision of correctional services, the lease or use of public lands or a public building for use in the operation of the facility:

1. May be entered into for 20 years or less, subject to the requirement of a biennial appropriation of money by the state.

2. Must provide:

(a) Internal and perimeter security to protect the public, employees and prisoners.

(b) Work or training opportunities for prisoners while they are incarcerated. The contractor must not benefit financially from the labor of the prisoners.

(c) Discipline for prisoners in accordance with applicable standards and procedures.

(d) Food, clothing, housing and medical care for prisoners.

Sec. 5. 1. Employees of a contractor that provide security may only use force and exercise their power and authority while:

(a) On the grounds of the facility under the supervision of the contractor.

(b) Transporting prisoners.

(c) Pursuing escapees from the facility.

2. The provisions of chapter 212 of NRS apply to the:

(a) Guards or correctional officers employed by a contractor; and

(b) Prisoners assigned to the facility, or to a program for which a contractor is providing correctional services,

to the same extent that those provisions would apply if the services provided by the contractor were being provided by the department.

Sec. 6. A contract for correctional services must not authorize, allow or imply a delegation of authority or responsibility of the director to a contractor for:

1. Developing and implementing procedures for calculating dates for release of prisoners or eligibility for parole.

2. Developing and implementing procedures for calculating and awarding credits against the term of imprisonment.

3. Approving prisoners for furlough and work release.

4. Approving the work prisoners may perform and the wages or credits that may be given the prisoners who are engaged in such work.

5. Granting, denying or revoking credits against the term of imprisonment.

Sec. 7. The department may cooperate and contract with tax exempt entities to provide for the payment of the principal of, the premium, if any, the interest on and the fees of the trustee and paying agent in connection with bonds issued to finance the acquisition, construction and operation of the facility, to be secured by a lien on and pledge of one or more of the following:

1. All revenue derived from payments to be made by the department for the housing of prisoners.

2. Any other revenue authorized by the legislature or by biennial appropriations of money by the state.

It is not necessary to the perfection of the lien and pledge that the trustee in connection with a bond issue or the holders of the bonds take possession of the collateral security.

Sec. 8. This act becomes effective upon passage and approval.".

Amend the title of the bill, second line, by deleting "services;" and inserting: "services at a new minimum security correctional facility for women;".

Amend the summary of the bill, first line, by deleting the period and inserting: "at new minimum security correctional facility for women.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 12:29 p.m.

## ASSEMBLY IN SESSION

At 2:37 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 45, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 344, 369, 620, 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 90.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1385.

Amend the resolution, page 1, by deleting lines 16 through 19 and inserting: "CURRING, That the Legislative Commission is hereby directed to conduct an interim study of the laws governing public records and books; and be it further".

Amend the resolution, page 2, by deleting lines 4 through 11 and inserting:

"RESOLVED, That the Governor shall appoint at least five members to serve on an advisory committee to the Legislative Commission, including representatives of the Nevada State Press Association, the Society of Professional Journalists, the State Library and Archives and local governments; and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.".

Amend the preamble of the resolution, page 1, lines 7 and 8, by deleting: "were required to be" and inserting: "should have been".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to study the laws governing public records and books.".

Amend the summary of the resolution to read as follows:

"Summary—Directs Legislative Commission to study laws governing public records and books. (BDR R-2209)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:40 p.m.

## ASSEMBLY IN SESSION

At 4:36 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 639.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 639.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 178; Senate Bills Nos. 45, 344, 345, 362, 369, 472, 620 and 637 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 193 and 303 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 308, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

| | |
|---|---|
| RICK CHARLES BENNETT | R. HAL SMITH |
| JAMES W. MCGAUGHEY | RONALD V. COOK |
| SAUNDRA KRENZER | THOMAS J. HICKEY |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 308.

Remarks by Assemblyman Bennett.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 606, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | RONALD V. COOK |
| BERNIE ANDERSON | ERNEST E. ADLER |
| JOE ELLIOTT | WILLIAM R. O'DONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 20.

Amend sec. 5, page 3, line 4, after "2." by inserting: "*The fees charged for such services must vary based on criteria developed by the division, but must not exceed $2,500.*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 606.

Remarks by Assemblyman Sader.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1398.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting:

"284.355 1. Except as otherwise provided in [subsections 2 and 3,] *this section,* all employees in the public service, whether in the classified or unclassi-".

Amend section 1, page 2, line 31, after "*5.*" by inserting: "The director shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

[5.] *6.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1370.

Amend section 1, page 1, line 2, by deleting "$190,000" and inserting "$175,000".

Amend sec. 3, page 1, line 9, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

Senate Bill No. 345.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1369.

Amend section 1, page 1, line 3, by deleting "$204,860" and inserting "$199,027".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.

Bill read second time.

Amendment No. 1104.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.164, a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has completed the course of study set forth in NRS 630.162 and received the degree of Doctor of Medicine from a medical school:

(1) Approved by the Liaison Committee for Medical Education of the American Medical Association and American Association of Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee for Medical Education,

which he attended for a total of 2 years immediately preceding the granting of the degree;

(c) Has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination; or

(3) All parts of a licensing examination given by any state or territory of the United States if the applicant is certified by a specialty board of the American Board of Medical Specialties; [, but any licensee licensed under this subparagraph must be issued a license to practice medicine in this state restricted to practice in the area of his certification only;]

(d) Has completed 3 years of:

(1) Graduate education as a resident in the United States or Canada in a program approved by the Accreditation Council for Graduate Medical Education of the American Medical Association or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(2) Fellowship training in the United States or Canada approved by the board or the Accreditation Council for Graduate Medical Education; and

(e) Appears personally before the board and satisfactorily passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b) of subsection 2.".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 630.265 is hereby amended to read as follows:

630.265 1. The board may issue to a qualified applicant [, who upon completion of residency will be eligible for an active license,] a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. Such a license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The board may issue such a limited license for not more than 1 year but may renew the license.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program and the board.

5. A limited license granted [under] *pursuant to* this section may be revoked by the board at any time for any of the grounds provided in NRS 630.301 to 630.3065, inclusive.

Sec. 4. NRS 630.290 is hereby amended to read as follows:

630.290 1. The board shall charge and collect not more than the following fees:

| | |
|---|---|
| For application for and issuance of a license by written examination, in addition to the actual cost to the board of the examination | $400 |
| For application for and issuance of a temporary, locum tenens, limited, restricted or special license | 300 |
| For renewal of a limited, restricted or special license | 50 |
| For application for and issuance of a certificate as a physician's assistant | 200 |
| For renewal of a certificate as a physician's assistant | 100 |
| For biennial registration | [400] *600* |

For biennial registration for a physician who is retired, on inactive status or not practicing medicine in Nevada..... 200
For the administration of the Federation Licensing Examination..... 300
For the administration of any one part of the Federation Licensing Examination..... 200
For re-examination on the Federation Licensing Examination..... 200
For the administration of any one part of the Federation Licensing Examination as a courtesy to a person who is applying for licensure in another state..... 200
For written verification of licensure..... 50
For a duplicate identification card..... 25
For a duplicate license..... 50
For computer printouts or labels..... 50
For verification of a listing of physicians, per hour..... 20
For furnishing a directory of physicians to a person who is not licensed pursuant to this chapter..... 10
For furnishing a list of new physicians to a person who is not in the medical profession..... 30

2. In addition to the fees prescribed in subsection 1, the board shall charge and collect:

(a) A fee to reimburse it for the cost of the Federation Licensing Examination; and

(b) Necessary and reasonable fees for its other services.

3. The cost of any special meeting called at the request of a licensed physician, institution, organization, state agency or applicant for licensure, must be paid for by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting it has paid a cash deposit with the board sufficient to defray all expenses of the meeting.".

Amend the title of the bill, second line, after "area;" by inserting: "increasing the fee for the renewal of certain licenses; revising certain provisions relating to the issuance of a limited license as a resident physician;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to certain licenses to practice medicine. (BDR 54-1912)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 369.

Bill read second time and ordered to third reading.

Senate Bill No. 472.

Bill read second time and ordered to third reading.

Senate Bill No. 620.

Bill read second time and ordered to third reading.

Senate Bill No. 637.

Bill read second time and ordered to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 152, 316, 339, 342, 395, 497, 570, 615, 622, 623; Senate Joint Resolutions Nos. 20, 25 and Assembly Bill No. 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1400.

Amend sec. 42, page 18, line 18, by deleting: "Assembly Bill No. 387 of this session" and inserting: "chapter 184, Statutes of Nevada 1991,".

Amend the bill as a whole by renumbering sections 43 and 44 as sections 47 and 48 and adding new sections designated sections 43 through 46, following sec. 42, to read as follows:

"Sec. 43. Section 2 of Senate Bill No. 528 of this session is hereby amended to read as follows:

Sec. 2. NRS 360.417 is hereby amended to read as follows:

360.417 Unless a different penalty or rate of interest is specifically provided, any person who fails to pay any tax provided for in chapter 362, 365, 369, 370, 372, 373 or 374 of NRS or sections 2 to 33, inclusive, of [this act,] *Assembly Bill No. 303 of this session,* or fee provided for in NRS 590.700 to 590.920, inclusive, to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the [date on which the tax or fee became due] *last day of the month following the period for which the amount or any portion of the amount should have been reported* until the date of payment.

Sec. 44. Section 90 of Assembly Bill No. 655 of this session is hereby amended to read as follows:

Sec. 90. NRS 78.160 is hereby amended to read as follows:

78.160 Each corporation organized pursuant to the laws of this state shall, within 60 days after the filing of its articles of incorporation with the secretary of state:

1. File a list of its [officers and directors and a designation of its resident agent. The address of the resident agent must be the same as that of the principal office.] *president, secretary, treasurer and all of its directors.*

2. Pay to the secretary of state a fee of $75.

[3. File a copy of the designation of resident agent in the office of the county clerk of the county in which the principal office of the corporation in this state is located.]

Sec. 45. Section 134 of Assembly Bill No. 655 of this session is hereby amended to read as follows:

Sec. 134. NRS 80.130 is hereby amended to read as follows:

80.130 Each foreign corporation coming into this state shall, within 60 days after the filing of its certificate of corporate existence with the secretary of state:

1. File a list of its [officers] *president, secretary, treasurer* and *all of its* directors and a designation of its resident agent. The address of the resident agent must be the same as that of the [principal] *registered* office.

2. Pay to the secretary of state a fee therefor of $75.

Sec. 46. Section 334.5 of Assembly Bill No. 655 of this session is hereby amended to read as follows:

Sec. 334.5. NRS 89.090 is hereby amended to read as follows:

89.090 1. Each professional corporation shall, on or before the last day of the month in which the anniversary date of its incorporation occurs in each year, furnish a statement to the secretary of state showing the names and residence addresses of all stockholders, directors, officers and employees in the corporation and shall certify that all stockholders [,] *who are natural persons and all* directors, officers and employees are licensed or otherwise legally authorized to render professional service in this state. The statement must be made on a form prescribed by the secretary of state, but must not contain any fiscal or other information except that expressly called for by this section. The statement must be signed by the president or vice president of the corporation. The statement is in lieu of the regular annual report of corporations otherwise required by chapter 78 of NRS.

2. Upon filing the statement, the professional corporation shall pay to the secretary of state a fee of $75. For default there must be added to the amount of the fee a penalty of $15.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 193.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1372.

Amend section 1, page 1, by deleting line 4 and inserting: "year immediately preceding his appointment, nor [shall] *may*".

Amend sec. 3, page 2, line 5, after the period by inserting: "*The employee and the department may be respectively represented during the hearing by any other person.*".

Assemblyman Callister moved the adoption of the amendment.
Remarks by Assemblyman Callister.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 365, 484, 655; Senate Bills Nos. 456, 457, 528, 535, 607; Assembly Concurrent Resolution No. 83; Senate Concurrent Resolution No. 17.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Bernice Lim and Meggan Swanson.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cynthia Alexander and Amy Greco.

Assemblyman Porter moved that the Assembly adjourn until Sunday, June 23, 1991 at 1:00 p.m.
Motion carried.

Assembly adjourned at 4:55 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-FOURTH DAY

CARSON CITY (Sunday), June 23, 1991

Assembly called to order at 1:33 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, once again we come before Thee on a beautiful Sunday morning to give thanks for the many blessings that we enjoy. We are grateful for the health and strength that we each have and we pray especially for those among us who are ill, thinking of Assemblyman Arberry, Senator Hickey and others. We pray that Thou will bless them, that they will regain their health and will be able to rejoin us here for these final days of this session.

We are grateful, Father in Heaven, for many things, even though we are locked here in dispute over minor things, we pray that Thou will help us to resolve those differences and that we will be able to bring our session to a successful conclusion. We pray that Thou will be with us today, that we will be productive in all of our deliberations, that we will be able to solve the problems before us. We acknowledge Thy hand in all things and Thy influence over this body. We pray that Thou will bless us. We are grateful, Father in Heaven, for this great land in which we live, here in Nevada. We pray that Thou will bless us here with the needed moisture that is required to sustain life. We ask this prayer humbly in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 590.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 26, 124, 190, 417, 462, 475, 489, 627, 700, 701, 786, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 89.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 23, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 67, 105.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 90.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

Assemblyman Garner moved that the vote whereby Assembly Bill No. 631 was passed be rescinded.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 631 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 631.

Bill read third time.

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

Amendment No. 1399.

Amend sec. 6, page 2, line 44, by deleting: "[shall be] *is*" and inserting "is".

Amend sec. 6, page 3, between lines 8 and 9, by inserting: "The governing body is not required to employ the services of an appraiser to estimate or to assist the engineer in estimating the benefits to be derived from the project.".

Amend sec. 6, page 3, line 12, by deleting: "to such engineer may seem" and inserting: "the engineer determines is".

Amend sec. 6, page 3, line 14, by deleting: "[shall] *or document ratified must*" and inserting: "*or document ratified* must".

Amend sec. 6, page 3, line 16, by deleting: "[shall] *or document ratified must*" and inserting: "*or document ratified* must".

Amend sec. 6, page 3, line 17, by deleting: "[thereof] *of the project*" and inserting: "of the project".

Amend sec. 6, page 3, line 18, by deleting "[shall]" and inserting "[must]".

Amend sec. 6, page 3, line 19, by deleting "moneys" and inserting "money".

Amend sec. 6, page 3, line 22, by deleting: "[In case] *If*" and inserting "If".

Amend sec. 6, page 3, by deleting line 23 and inserting: "resolution *or document ratified* must:".

Amend sec. 6, page 3, line 29, by deleting: "[In case] *If*" and inserting "If".

Amend sec. 6, page 3, line 30, by deleting: "[shall be] *is*" and inserting "is".

Amend sec. 6, page 3, line 32, by deleting: "[shall not be] *is not*" and inserting "is not".

Amend sec. 6, page 3, line 37, by deleting "8." and inserting "[9.] *8.*".

Amend sec. 6, page 3, by deleting lines 40 and 41 and inserting:

"[10.] *9.* Upon the filing of the plans and plat, they must be examined by the governing body. If the plans and plat are found to be satisfactory,".

Amend sec. 6, page 3, line 43, by deleting: "[such project shall] *the project*" and inserting: "the project will".

Amend sec. 7, page 3, by deleting line 48 and inserting: "assessed, or any other interested persons, may appear before the".

Amend sec. 7, page 4, by deleting line 16 and inserting: "taining to the project have been paid in full, including principal, interest, any penalties, and".

Amend sec. 7, page 5, by deleting line 14 and inserting: "objections in writing against acquiring or".

Amend sec. 7, page 5, line 15, by deleting "must be" and inserting "are".

Amend sec. 7, page 5, line 19, by deleting "district or" and inserting "district, or".

Amend sec. 7, page 5, line 23, by deleting: "project other than a park project" and inserting: "project, other than a park project,".

Amend sec. 7, page 5, lines 32 and 33, by deleting: "discretion, deems such" and inserting: "discretion deems the".

Amend sec. 7, page 5, between lines 38 and 39, by inserting:

"[(d)] *(m)* That if a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

(1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.".

Amend the bill as a whole by adding a new section, designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Sections 6 and 7 of this act become effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 320, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

| | |
|---|---|
| VIVIAN L. FREEMAN | ERNEST E. ADLER |
| SAUNDRA KRENZER | VIRGIL M. GETTO |
| JOHN C. CARPENTER | JOHN M. VERGIELS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 17.

Amend the bill as a whole by renumbering sections 23 through 25 as sections 24 through 26 and adding a new section designated sec. 23, following sec. 22, to read as follows:

"Sec. 23. Section 2 of this act is hereby amended to read as follows:

Sec. 2. 1. A person who sells at retail a new tire for a vehicle shall collect from the purchaser at the time he collects the applicable sales and use taxes for the sale a fee of $1 per tire.

2. The seller shall account separately for all money received as a deposit pursuant to subsection 1. Monthly, in accordance with the applicable regulations, the seller shall transmit 95 percent of the money held in trust to the [state department of conservation and natural resources] *department of transportation* for deposit with the state treasurer for credit to the [account for recycling.] *state highway fund. Money so deposited must be accounted for separately by the state treasurer and may be used only to support projects approved pursuant to section 20 of this act.* The remaining 5 percent and all interest and income which accrued on the money while in trust with the seller become the property of the seller on the day the balance for the month is transmitted to the department and may be retained by the seller to cover his related administrative costs.

3. The [state environmental commission] *director of the department of transportation, with the approval of the board of directors of the department,* shall [,] by regulation, establish acceptable methods for accounting for money collected *by the retailers* pursuant to subsection 1.".

Amend section 25, page 11, line 40, by deleting: "Section 20 of this act becomes" and inserting: "Sections 20 and 23 of this act become".

Assemblyman Freeman moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 320.

Remarks by Assemblyman Freeman.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 428, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | DINA TITUS |
| BERNIE ANDERSON | ERNEST E. ADLER |
| JOSEPH JOHNSON | JOSEPH M. NEAL, JR. |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 19.

Amend sec. 2, page 1, by deleting lines 8 and 9 and inserting: "words and terms defined in NRS 463.0134 to 463.0197, inclusive, sections 2 and 3 of Assembly Bill No. 554 of this session, and sections 3 and 4 of [this act,] *Assembly Bill No. 423 of this session, and*".

Amend sec. 7, page 4, line 25, by deleting: "No person may" and inserting: "A person may not".

Amend sec. 7, page 5, by deleting lines 24 through 28 and inserting: "founded and precludes administrative or judicial review. At the hearing , the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining".

Amend sec. 7, page 5, line 30, after "permit." by inserting "8.".

Amend sec. 7, page 5, line 33, by deleting "disclose, misstated" and inserting: "disclose or misstated information".

Amend sec. 7, page 6, line 9, by deleting "8." and inserting "9.".

Amend sec. 7, page 6, line 15, by deleting "9." and inserting "10.".

Amend sec. 7, page 6, line 32, by deleting "10." and inserting "11.".

Amend sec. 7, page 6, by deleting lines 37 through 42 and inserting:

"12. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize such person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

(a) Conducting a hearing and taking testimony;

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

(c) Making a recommendation to the board based upon the testimony and evidence or rendering a decision on behalf of the board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and

(d) Notifying the applicant of the decision.

13. Notice by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days after it is".

Amend sec. 14, page 9, by deleting line 40 and inserting:

"Sec. 14. 1. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1991.

2. Section 2 of this act becomes effective at 12:02 a.m. on October".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 428.

Remarks by Assemblyman Anderson.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Assembly Concurrent Resolutions Nos. 46, 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 346, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess until 3:30 p.m.

Assembly in recess at 1:47 p.m.

## ASSEMBLY IN SESSION

At 3:39 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 52, 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Bill No. 822, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Assembly Concurrent Resolution No. 46.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1387.

Amend the resolution, page 1, by deleting lines 16 through 21 and inserting: "interim study of the procedures by which state and local agencies review and approve proposals for the subdivision of land, including an examination of the respective responsibilities and programs of the Division of Environmental Protection and the Health Division to determine if there is any duplication of services; and be it further

RESOLVED, That the Legislative Commission is hereby directed to appoint an advisory committee to provide it with such technical assistance as it requires to conduct the study; and be it further".

Amend the preamble of the resolution, page 1, by deleting line 1 and inserting:

"WHEREAS, The State of Nevada has in recent years experienced a rapid rate of growth in its population, requiring the subdivision and development of a large amount of land in the state; and

WHEREAS, The procedures by which state and local agencies review and approve proposals for the subdivision of land, despite their increasing importance and extremely technical nature, have not been comprehensively examined since 1976; and

WHEREAS, Chapter 278 of NRS requires both the Division of Environmen-".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of state and local procedures for the review and approval of proposals for the subdivision of land.".

Amend the summary of the resolution to read as follows:

"Summary—Directs Legislative Commission to conduct interim study of procedures for review and approval of proposals for subdivision of land. (BDR R-2046)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 85.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1386.

Amend the resolution, page 1, line 13, by deleting: "at least include" and inserting: "must emphasize".

Amend the resolution, page 1, line 18, by deleting "effects" and inserting: "feasibility and desirability".

Amend the resolution, page 1, line 21, by deleting "and".

Amend the resolution, page 1, between lines 23 and 24, by inserting:

"7. The present and long-term effects of using certain drugs to treat pupils who are hyperactive or inattentive; and

8. The problems of providing alternative housing and educational opportunities for pupils who are suspended or expelled from public schools for the commission of violent acts or the possession of dangerous weapons.".

Amend the resolution, page 1, line 27, after "with" by inserting "such".

Amend the resolution, page 1, line 28, by deleting: "who are not employed by any governmental entity" and inserting: "as the committee deems appropriate".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 1174.

Amend section 1, page 1, line 15, by deleting "*specifically*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 462.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 124.

The following Senate amendment was read:

Amendment No. 1250.

Amend section 1, page 1, line 11, by deleting "[must] *may*" and inserting "must".

Amend section 1, page 1, line 17, by deleting "[must] *may*" and inserting "must".

Amend section 1, page 2, line 14, by deleting "therefor." and inserting: "therefor, including any utility projects required to be reported pursuant to section 1 of [this act.] *Assembly Bill No. 567 of this session.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 124.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 489.

The following Senate amendment was read:

Amendment No. 1177.

Amend sec. 3, page 2, line 6, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 4, page 2, line 14, after "inclusive," by inserting: "[and] section 1 of [this act,] *Assembly Bill No. 567 of this session*".

Amend sec. 4, page 2, line 27, by deleting "under" and inserting "pursuant to".

Amend sec. 4, page 2, line 41, by deleting: "[under] *pursuant to*" and inserting "pursuant to".

Amend sec. 4, page 3, between lines 11 and 12, by inserting:

"16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.".

Amend sec. 5, page 3, line 20, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 6, page 3, line 39, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 7, page 5, line 2, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 8, page 5, line 11, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 9, page 6, line 27, by deleting: "*which are due for any part of*" and inserting "*for*".

Amend sec. 10, page 6, line 33, by deleting: "Assembly Bill No. 221 of this session" and inserting: "chapter 245, Statutes of Nevada 1991,".

Amend sec. 10, page 6, line 36, after "inclusive," by inserting: "section 1 of Assembly Bill No. 567 of this session".

Amend sec. 10, page 7, line 5, by deleting "under" and inserting "pursuant to".

Amend sec. 10, page 7, between lines 39 and 40, by inserting:

"16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.".

Amend sec. 11, page 8, line 1, by deleting: "which are due for any part of" and inserting "for".

Amend sec. 12, page 8, line 41, by deleting: "8 and 9" and inserting: "4, 8, 9 and 10".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 489.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 627.

The following Senate amendment was read:

Amendment No. 1211.

Amend section 1, page 1, line 4, by deleting: "*or an interest in state land*".

Amend section 1, pages 1 and 2, by deleting lines 9 through 20 on page 1 and lines 1 and 2 on page 2 and inserting: "*The notice must inform the governing body that it may submit comments to the state land registrar concerning the proposed sale, lease or transfer within 30 days after receipt of the notice.*

*2. The governing body of a county or city may hold a public hearing on the proposed sale, lease or transfer of state land and transmit public comments received at the hearing to the state land registrar.*

*3. The state land registrar shall consider any comments received from the governing body of a county or city when determining whether it is in the best interest of the state to proceed with the sale, lease or transfer of state land.*".

Amend the title of the bill, third line, by deleting "request" and inserting "hold".

Amend the summary of the bill by deleting the second and third lines and inserting: "sale, lease or transfer of state land. (BDR 26-1618)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 627.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 700.

The following Senate amendment was read:

Amendment No. 1252.

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

"Sec. 2. In a county whose population is less than 400,000, the amendatory provisions of section 1 of this act apply only to appointments made on or after January 1, 1992.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 700.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 577.

The following Senate amendment was read:

Amendment No. 1164.

Amend the bill as a whole by deleting sections 1 through 16 and adding new sections designated sections 1 through 26, following the enacting clause, to read as follows:

"Section 1. NRS 439A.106 is hereby amended to read as follows:

439A.106 *1.* The division shall prepare quarterly and release for publication or other dissemination a listing of every hospital in the state and its charges for representative services. *The listing must include information regarding each hospital's average and total contractual allowances to categories of payers who pay on the basis of alternative rates rather than billed charges.*

*2. The division shall not disclose or report the details of contracts entered into by a hospital, or disclose or report information pursuant to this section in a manner that would allow identification of an individual payer or other party to a contract with the hospital, except that the division may disclose to other state agencies the details of contracts between the hospital and a related entity. A state agency shall not disclose or report information disclosed to the agency by the division pursuant to this subsection in a manner that would allow identification of an individual payer or other party to a contract with the hospital.*

*3.* The division shall report [annually] *quarterly* to the legislative committee on health care [on or before December 1] regarding the effects of legislation on the costs of health care and on the manner of its provision.

*4. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.*

Sec. 2. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.

Sec. 3. *"Major hospital" means a hospital in this state which has 200 or more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of 200 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.*

Sec. 4. *1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services provided to an inpatient who:*

*(a) Has no insurance or other contractual provision for the payment of the charge by a third party;*

*(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and*

*(c) Makes reasonable arrangements within 30 days after discharge to pay his hospital bill.*

*2. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the commission for hospital patients for resolution as provided in section 20 of this act.*

*3. A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.*

*4. A major hospital shall not collect or seek to collect the deductible or copayment from a patient who is covered by Medicare and who demonstrates that he is medically indigent, as that term is defined for the purposes of Medicaid coverage for persons in long-term care. The hospital may seek and collect payment for the deductible or copayment from any source other than the patient, including from the supplemental insurance of the patient.*

Sec. 5. *1. The major hospitals shall jointly establish a foundation for hospital nursing practice to promote and encourage the practice of nursing in hospitals.*

*2. The foundation must be created as a nonprofit entity in compliance with 26 U.S.C. § 501. The governing body of the foundation must consist of one representative of each of the member hospitals and one representative appointed by the governor. The governing body must have authority to establish rules for the administration of the foundation, to establish programs in pursuit of its purpose, and to allocate money for its programs.*

*3. If the foundation is not formed, or ceases to exist, the director shall establish a nonprofit entity to carry out the foundation's purpose.*

Sec. 6. *The major hospitals shall, in cooperation with the office of the governor, the University of Nevada School of Medicine and organizations representing rural hospitals, develop a program for the provision of technical assistance to rural hospitals in Nevada. The resources required to carry out this program must be determined and provided by the major hospitals.*

Sec. 7. *The major hospitals shall sponsor an educational program to promote wellness, physical fitness and the prevention of disease and accidents. The program must be:*

*1. Administered and carried out by the participating hospitals; and*

*2. Approved by the director.*

Sec. 8. NRS 439B.010 is hereby amended to read as follows:

439B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 439B.020 to 439B.150, inclusive, *and section 3 of this act,* have the meanings ascribed to them in those sections.

Sec. 9. NRS 449.510 is hereby amended to read as follows:

449.510 *1.* The director shall prepare and file such summaries, compilations or other supplementary reports based on the information filed with him [under] *pursuant to* NRS 449.450 to 449.530, inclusive, as will advance the purposes of those sections. All such summaries, compilations and reports are open to public inspection, must be made available to requesting agencies and must be prepared within a reasonable time following the end of each institution's fiscal year or more frequently as specified by the director. *The summaries, compilations and reports must include information regarding each hospital's average and total contractual allowances to categories of payers who pay on the basis of alternative rates rather than billed charges.*

*2. The division shall not disclose or report the details of contracts entered into by a hospital, or disclose or report information pursuant to this*

*section in a manner that would allow identification of an individual payer or other party to a contract with the hospital, except that the division may disclose to other state agencies the details of contracts between the hospital and a related entity. A state agency shall not disclose or report information disclosed to the agency by the division pursuant to this subsection in a manner that would allow identification of an individual payer or other party to a contract with the hospital.*

*3. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.*

Sec. 10. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 19, inclusive, of this act.

Sec. 11. *As used in sections 11 to 19, inclusive, of this act, unless the context otherwise requires:*

*1. "Billed charge" means the total amount charged by a hospital for medical care provided, regardless of the anticipated amount of net revenue to be received or the anticipated source of payment.*

*2. "Hospital" has the meaning ascribed to it in NRS 439B.110.*

*3. "Medicaid" has the meaning ascribed to it in NRS 439B.120.*

*4. "Operating cost" means the expenses of operation of a hospital which the department determines to be an allowable operating expense including:*

*(a) All operating expenses allowed by the Health Care Financing Administration for hospitals which receive payments pursuant to a state or federal program to provide assistance to the medically indigent;*

*(b) Expenses for capital improvements; and*

*(c) Other operating expenses which the department determines to be directly related to the provision of care to patients.*

Sec. 12. *The welfare division is authorized to include in the state plan for assistance to the medically indigent a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients. The plan must be consistent with the provisions of sections 11 to 19, inclusive, of this act and Title XIX of the Social Security Act (42 U.S.C. §§ 1396 et seq.), and the regulations adopted pursuant to those provisions.*

Sec. 13. *1. There is hereby imposed a tax on hospitals at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax imposed pursuant to subsection 1, upon approval by the board. The rate of the tax must be:*

*(a) Not less than 1 percent nor more than 7 percent on the operating costs of a hospital; or*

*(b) Not less than 1 percent nor more than 4 percent on the billed charges of a hospital.*

The tax must be imposed uniformly on all hospitals and must be paid monthly.

3. The proceeds of the tax imposed pursuant to subsection 1 and any interest and penalties imposed on delinquent payments of the tax must be

deposited in the state treasury for credit to the hospital tax account in the state general fund. The department of human resources, through the welfare division, shall administer the account.

4. The interest and income earned on money in the hospital tax account, after deducting any applicable charges, must be credited to the account.

Sec. 14. *1. The allocations and payments required pursuant to section 15 of this act must be made, to the extent allowed by the state plan for assistance to the medically indigent, from the Medicaid budget account.*

*2. The money in the hospital tax account must be transferred from that account to the Medicaid budget account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount generated by the tax imposed pursuant to section 13 of this act, including the amount contributed by the Federal Government to match that money, exceeds the amount authorized for expenditure by the welfare division for the purposes specified in section 15 of this act, the welfare division is authorized to expend the additional revenue in accordance with the provisions of section 15 of this act.*

Sec. 15. *1. Before making the payments required or authorized by this section, the welfare division shall allocate money for the administrative costs of the Medicaid program. The amount allocated for administrative costs must not exceed $300,000 in a fiscal year. The interim finance committee may adjust the amount allowed for administrative costs.*

*2. After deducting the amount allocated pursuant to subsection 1, the welfare division shall make monthly payments to each hospital. The amount paid to a hospital must at least equal the amount of the tax imposed pursuant to section 13 of this act that was paid by the hospital in the preceding month plus $100,000 in each fiscal year. If the amount paid to a hospital pursuant to subsection 3 is less than the amount required by this subsection, the difference must be paid from the hospital tax account.*

*3. A hospital may be paid the amount to which it is entitled pursuant to subsection 2, and any amount to which the hospital is entitled in excess of that amount, from the Medicaid budget account:*

*(a) If the hospital qualifies pursuant to criteria specified in the state plan for assistance to the medically indigent for compensation or an increased rate of payment for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients; or*

*(b) Through an increased rate of Medicaid payments to hospitals for services provided to inpatients.*

*4. In addition to the allocation required by subsection 1 and the payments required by subsections 2 and 3, the welfare division shall use the amount of money that is authorized for expenditure pursuant to subsection 5 to make the required expenditures for:*

*(a) The provision of new services that are first required by the Federal Government on or after April 1, 1990;*

*(b) The provision of services to persons in categories of eligibility that are first required by the Federal Government to receive coverage for such services on or after April 1, 1990; and*

*(c) Increases in the number of persons who are recipients of Medicaid over the number approved by the legislature for the Medicaid budget account.*

*5. Except as otherwise provided in this subsection, the welfare division shall, after making the allocation required by subsection 1, use approximately one-half of the money in the Medicaid budget account that is attributable to the tax imposed pursuant to section 13 of this act, including the amount contributed by the Federal Government to match that money but excluding the amount that represents the amount of the tax itself, for the purposes specified in subsection 3 and one-half for the purposes specified in subsection 4. The proportion of the amount in the Medicaid budget account used for the purposes specified in subsection 3 may be decreased by the welfare division if such a decrease is required for approval of the state plan for assistance to the medically indigent by the Health Care Financing Administration.*

*6. A county or district hospital that borrows money to pay the tax imposed pursuant to section 13 of this act may pledge the amount of money to be paid to the hospital pursuant to this section for payment of the loan.*

Sec. 16. *1. There is hereby imposed a tax on the state share of Medicaid payments made to hospitals for services provided to inpatients, at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax, upon approval by the board. The rate of the tax must be not more than 100 percent of the state share of the amount of Medicaid payments made to a hospital for services provided to inpatients. The tax may be imposed at the time a payment is made to a hospital. The proceeds of the tax and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the Medicaid budget account.*

*3. The money in the Medicaid budget account attributable to the tax and any amount contributed by the Federal Government to match that money must be used:*

*(a) For the administrative costs of the Medicaid program that are related to the tax; and*

*(b) To repay the amount of the tax to the hospitals that pay the tax through an increased rate of Medicaid payments to hospitals for services provided to inpatients.*

*The amount of money remaining after the payments required by paragraphs (a) and (b) must be used to increase the rate of Medicaid payments to hospitals for services provided to inpatients or for other expenses of the Medicaid program. The amount used to increase the rate of Medicaid payments to hospitals must be approximately one-half of the amount remaining after the payments required by paragraphs (a) and (b).*

*4. If the amount generated by the tax imposed pursuant to this section, including the amount contributed by the Federal Government to match that money, exceeds the amount authorized for expenditure by the welfare divi-*

*sion for the purposes specified in this section, the welfare division is authorized to expend the additional revenue in accordance with the provisions of this section.*

Sec. 17. *1. In addition to any other tax imposed on providers of medical care, there is hereby imposed a tax on the state share of Medicaid payments made to providers of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care, at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax, upon approval by the board. The rate of the tax must be not more than 100 percent of the state share of the amount of Medicaid payments made to a provider of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care. The tax may be imposed at the time a payment is made to a provider. The proceeds of the tax and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the Medicaid budget account.*

*3. The money in the Medicaid budget account attributable to the tax and any amount contributed by the Federal Government to match that money:*

*(a) Must be used:*

*(1) For the administrative costs of the Medicaid program that are related to the tax; and*

*(2) To repay the amount of the tax to the providers who pay the tax through an increased rate of reimbursement for services provided to Medicaid patients.*

*The amount of money remaining after the payments required by subparagraphs 1 and 2 must be used to increase the reimbursement paid to the providers of medical care who paid the tax for services provided to Medicaid patients, in proportion to the amount of tax paid by such providers, or for other expenses of the Medicaid program. The amount used to increase the reimbursement paid to providers of medical care must be approximately one-half of the amount remaining after the payments required by subparagraphs 1 and 2.*

*(b) Is in addition to the amount appropriated or authorized for expenditure by the legislature for that budget account.*

Sec. 18. *1. The welfare division shall adopt regulations concerning:*

*(a) Procedures for the collection of the taxes imposed pursuant to sections 13, 16 and 17 of this act.*

*(b) Provisions for the payment of a penalty and interest for delinquent payments of the taxes.*

*(c) Provisions for the payment of interest by the welfare division for late reimbursements to hospitals or other providers of medical care.*

*2. The welfare division shall report to the interim finance committee quarterly concerning the provisions of sections 11 to 18, inclusive, of this act.*

Sec. 19. *The welfare division shall not request the transfer of money appropriated to or authorized for expenditure from the Medicaid budget account for payments to hospitals to any other budget account, or use money appropriated or authorized for such payments for any other purpose.*

Sec. 20. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

*1. There is hereby created within the division a commission for hospital patients.*

*2. The executive director of the commission:*

*(a) Is responsible for the operation of the commission.*

*(b) Must be appointed by the commissioner, with the approval of the governor.*

*(c) Is in the unclassified service of the state.*

*(d) Shall appoint and supervise such additional employees as are necessary to carry out the duties of the commission. The employees of the commission are in the classified service of the state.*

*(e) Shall submit a written report quarterly to the department of human resources and the legislative committee on health care concerning the activities of the commission, including, but not limited to, the number of complaints received by the commission, the number and type of disputes heard and arbitrated by the executive director and the outcome of the arbitration.*

*3. The executive director of the commission may, upon request made by either party, hear and arbitrate disputes between patients and hospitals. The executive director may decline to hear a case which in his opinion is trivial, without merit or beyond the scope of his jurisdiction. The executive director may hear and arbitrate disputes regarding:*

*(a) The accuracy or amount of charges billed to the patient;*

*(b) The reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 of section 4 of this act; and*

*(c) Such other matters related to the charges for care provided to a patient as the executive director determines appropriate for arbitration.*

*4. The decision of the executive director is a final decision for the purpose of judicial review.*

*5. Each hospital, other than federal and state hospitals, with 49 or more licensed or approved hospital beds shall pay an annual assessment for the support of the commission. On or before July 15 of each year, the director of the department of human resources shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.*

*6. The total amount assessed pursuant to subsection 5 for a fiscal year must be $100,000 adjusted by the percentage change between January 1, 1991, and January 1 of the year in which the fees are assessed, in the Consumer Price Index (All Items) published by the United States Department of Labor.*

*7. The total amount assessed must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.*

Sec. 21. 1. As used in this section:

(a) "Charge master" means the uniform list of billed charges described in NRS 439B.400.

(b) "Department" means the department of human resources.

(c) "Director" means the director of the department.

(d) "Hospital" has the meaning ascribed to it in NRS 439B.110.

(e) "Major hospital" means a hospital which has 200 or more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of 200 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.

(f) "New major hospital" means a hospital that becomes a major hospital, as defined in paragraph (e), on or after July 1, 1991.

(g) "Revenue neutral" means a change in price made by a hospital that neither increases nor decreases the gross revenue of the hospital.

2. On or before July 1, 1991, each major hospital shall submit to the department a complete charge master for the hospital that will be effective on July 1, 1991. The charge master must be submitted on a computer medium in a form acceptable to the director.

3. Except as otherwise provided in subsections 4 to 8, inclusive, during the period from July 1, 1991, through June 30, 1995, no major hospital may:

(a) Raise the unit price of any item in its charge master.

(b) Modify the unit to which a price applies unless the change is revenue neutral.

(c) Replace an existing item in the charge master with a different item or add a new item to its charge master unless the price for the different or new item is approved by the director.

4. The director shall by regulation establish a procedure and standards for approving charges for items that:

(a) Are not stated in the charge master;

(b) Represent special equipment, supplies or medication ordered by a physician; and

(c) Are not standard items that the hospital regularly provides,

and for such other unique or unusual items as the director prescribes by regulation. The director shall allow a hospital to use the rate formula that the hospital has in effect on July 1, 1991, for determining charges for such items.

5. A major hospital shall notify the department in writing of any modification pursuant to paragraph (b) of subsection 3 or the replacement or addition of an item pursuant to paragraph (c) of subsection 3 not less than 10

days, excluding Saturdays, Sundays and legal holidays, after the modification, replacement or addition. The hospital shall submit with the notice documentation that:

(a) The modification is revenue neutral; or

(b) The different or additional item is priced at a level that reflects the same rate of return on the item as the hospital receives on comparable items or received on an item being replaced.

6. If the director determines that a modification pursuant to paragraph (b) of subsection 3 is not revenue neutral or that a replacement or addition pursuant to paragraph (c) of subsection 3 exceeds the level allowed pursuant to paragraph (b) of subsection 5, he shall disapprove the proposed charge and notify the hospital of the charge he will allow for the items disapproved. The hospital shall charge the amount approved by the director and shall credit the bill of any patient charged the amount disapproved the difference between the approved charge and the actual charge within 20 days, excluding Saturdays, Sundays and legal holidays, after receiving notice of the disapproval. If the director does not give notice of disapproval pursuant to this subsection within 20 days, excluding Saturdays, Sundays and legal holidays, after receiving notice of the modification, replacement or addition, the modification, replacement or addition shall be deemed approved.

7. If any new state or federal taxes are imposed on hospitals between July 1, 1991, and June 30, 1992, except the tax imposed on hospitals pursuant to section 13 of this act and any tax imposed pursuant to section 16 or 17 of this act, a major hospital may increase the prices in its charge master by an amount that will generate net revenue sufficient to recover the amount of the added expense. Prices may be increased pursuant to this subsection only to compensate for new taxes. Prices must not be increased to correspond with increases in existing taxes, or a modification, reconfiguration or replacement of existing taxes which results in an increased tax burden on a hospital. The director shall by regulation establish the mechanism for carrying out the increase allowed by this subsection.

8. At any time during the fiscal years 1992-93, 1993-94 and 1994-95, a major hospital may increase the price of any item on its charge master by a percentage up to the percentage increase, if any, in the Consumer Price Index (Medical Care Component for All Urban Consumers) as published by the Bureau of Labor Statistics of the United States Department of Labor for the most recent 12-month period for which information is available at the time the notice of the allowable increase is given pursuant to subsection 9. A hospital shall notify the director in writing within 10 days, excluding Saturdays, Sundays and legal holidays, after making an increase allowed by this subsection. In addition to the increases authorized by this subsection, a hospital may modify the unit to which a price applies, replace an existing item in the charge master with a different item or add a new item to its charge master during the fiscal years 1992-93, 1993-94 and 1994-95 in the manner provided in subsections 5 and 6.

9. On or before May 1, 1992, May 1, 1993, and May 1, 1994, the director shall notify each major hospital of the permissible percentage increase in each item in its charge master for the succeeding fiscal year.

10. A major hospital shall submit to the department upon request by the director a detailed listing of charges by the identification code used in the hospital's charge master for any inpatient admission or outpatient visit on a computer medium in a form acceptable to the director.

11. A new major hospital shall submit to the director a complete charge master for the hospital within 60 days after becoming a major hospital. The charge master must be submitted on a computer medium in a form acceptable to the director. The director shall review, revise as appropriate, and approve the prices in the charge master based upon the prevailing charges in the area in which the new major hospital is located. After approval of the charge master, the hospital is subject to the provisions of this section to the same extent as other major hospitals. The director shall adopt regulations governing the approval of a charge master pursuant to this subsection.

12. A major hospital which considers its financial condition so weakened that the quality of care provided by the hospital is seriously jeopardized by any provision of this act may request approval to increase the prices in its charge master by submitting a written request for the increase and supporting documentation to the director. The director shall consider the potential impact on the quality of care provided by the hospital and the probability that failure to grant relief would cause financial instability. The director may approve the request, or revise and approve the request, if he determines that such approval is necessary to ensure the ability of the hospital to provide adequate care to its patients.

13. A hospital that submits its charge master for approval pursuant to subsection 11 or requests an increase in its prices pursuant to subsection 12 shall pay the department a fee for its review of the charge master or the request. The director shall by regulation establish rates or fees for the department's review of the charge master or the request.

14. A hospital shall not:

(a) Raise a unit price in its charge master unless authorized pursuant to this section;

(b) Charge a patient a higher price for any item than the price stated in the charge master or otherwise authorized pursuant to this section; or

(c) Except as authorized pursuant to subsection 4, charge a patient for any item not included in its charge master without seeking the approval of the director as required by subsections 5 and 6.

15. The director may compare a major hospital's actual charges with the charges authorized pursuant to this section to determine whether the hospital's charges are in compliance with the provisions of this section. If the director determines that a hospital has engaged in a pattern of violations of any provision of this section, he may impose an administrative penalty on the hospital of not more than:

(a) Two times the difference between the price charged in violation of this section and the allowable price, for each instance in which that item is billed; or

(b) One thousand dollars,

whichever is greater.

16. The director may adopt such regulations as he considers necessary to carry out the provisions of this section.

Sec. 22. 1. The costs of monitoring compliance with the provisions of section 21 of this act must be met by an annual assessment of the hospitals with 200 or more licensed or approved beds that are not operated by a local government.

2. On or before July 15 of each year, the director of the department of human resources shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

3. The director shall estimate the total cost to the department of human resources, within the limits of legislative authorization, for carrying out the provisions of section 21 of this act in the current fiscal year. The total cost must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

4. The assessment made pursuant to this section may be combined with the assessments made pursuant to sections 20, 23 and 24 of this act.

Sec. 23. 1. The director of the department of human resources shall establish a foundation for hospital nursing practice pursuant to section 5 of this act if a foundation is not formed in accordance with subsections 1 and 2 of that section on or before October 31, 1991.

2. The director of the department of human resources shall impose upon each hospital subject to the provisions of section 5 of this act an annual assessment for the support of the foundation in the fiscal years 1991-92 and 1992-93. On or before July 15, 1991, and July 15, 1992, the director of the department of human resources shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

3. The amount of $250,000 must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

4. The assessment must be made regardless of whether the foundation is formed by the hospitals or the director. If the foundation is formed by the hospitals, the director shall pay the proceeds of the assessment to the foundation.

Sec. 24. 1. The cost of the educational program to promote wellness, physical fitness and the prevention of disease established pursuant to section

7 of this act must be met by an annual assessment of the hospitals with 200 or more licensed or approved beds that are not operated by a local government.

2. Each hospital which is subject to the provisions of this section shall pay an annual assessment for the support of the program in the fiscal years 1991-92 and 1992-93. On or before July 15, 1991, and July 15, 1992, the director of the department of human resources shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

3. The amount of $100,000 must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. Except as otherwise provided in subsection 4, for each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

4. The director may grant a credit against the assessment made pursuant to subsection 3 for a hospital that establishes its own program to promote wellness, physical fitness and the prevention of disease and accidents, if the program:

(a) Has received the prior approval of the director; and

(b) Meets the criteria set forth in section 7 of this act and any regulations adopted to carry out that section.

Sec. 25. 1. The welfare division of the department of human resources shall develop and propose an amendment to the state plan for assistance to the medically indigent in accordance with section 12 of this act as soon as practicable after July 1, 1991. The amendment must propose to:

(a) Establish a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients; and

(b) Increase the rate of reimbursement to hospitals for treating Medicaid patients.

2. If the amendment to the state plan proposed pursuant to subsection 1 is approved, the provisions of sections 13, 14 and 15 of this act may be applied retroactively to not earlier than July 1, 1991, to the extent that such retroactive application is approved, except that:

(a) The tax authorized pursuant to section 13 of this act must, to the extent that it is imposed retroactively, be collected in equal installments over the first 12 months that the tax is in effect; and

(b) The payments made pursuant to section 15 of this act with respect to the collection of any retroactively imposed tax must be correspondingly allocated over the first 12 months that the tax is in effect.

3. Notwithstanding the provisions of section 15 of this act, the welfare division shall transfer from the hospital tax account to the state general fund, in the manner provided in subsection 4, the following amounts:

For the fiscal year 1991-92 ..... $1,310,000
For the fiscal year 1992-93 ..... $590,000

4. The welfare division shall make monthly transfers of a portion of the amounts specified in subsection 3 to the extent that money is available in the hospital tax account after making the payments required by:

(a) Subsection 2 of section 15 of this act for the fiscal year 1991-92; and

(b) Subsections 1 and 2 of section 15 of this act for the fiscal year 1992-93,

until the total amount for the respective fiscal year is transferred. Any amount required to be transferred in the fiscal year 1991-92 that is not transferred before the end of the fiscal year must be transferred in the fiscal year 1992-93.

5. There is hereby appropriated from the state general fund to the welfare division the sum of $150,000 for the administrative costs of proposing the amendment to the state plan for assistance to the medically indigent pursuant to subsection 1 and carrying out the amendment, if approved, in the fiscal year 1991-92. The welfare division is authorized to expend in the fiscal year 1991-92 not more than $150,000 contributed by the Federal Government to match the amount of the appropriation made by this subsection. If the proposed amendment to the state plan is disapproved, the balance of the appropriation made by this subsection must not be committed for expenditure and reverts to the state general fund as soon as all payments of money committed have been made. Notwithstanding the provisions of subsection 1 of section 15 of this act, the welfare division is not authorized to allocate money from the hospital tax account for the administrative costs of the Medicaid program in the fiscal year 1991-92.

Sec. 26. 1. There is hereby appropriated from the state general fund to the University of Nevada System to lower the ratio of students to teachers in health technician programs in the community college system to 7.5 to 1 in programs in which such a ratio is feasible:

For the fiscal year 1991-92 ..... $510,000

For the fiscal year 1992-93 ..... $590,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 27. 1. There is hereby appropriated from the state general fund to the state public works board the sum of $800,000 for the planning and design of a facility for general education at the West Charleston campus of the Clark County Community College.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 28. 1. This section and sections 1 to 12, inclusive, and 17 to 27, inclusive, of this act become effective on July 1, 1991.

2. Sections 13, 14 and 15 of this act become effective upon approval by the Health Care Financing Administration of the amendment to the state plan for assistance to the medically indigent proposed pursuant to subsection 1 of section 25 of this act.

3. Sections 13, 14 and 15 of this act expire by limitation if federal law, regulation or policy causes the welfare division of the department of human resources to be unable to make the payments specified in section 15 of this act from the revenue available for that purpose.

4. Section 16 of this act becomes effective:

(a) Upon the disapproval by the Health Care Financing Administration of the amendment to the state plan for assistance to the medically indigent proposed pursuant to subsection 1 of section 25 of this act; or

(b) If the amendment is approved, upon the expiration by limitation of sections 13, 14 and 15 of this act.

5. Section 16 of this act expires by limitation if federal law, regulation or policy causes the welfare division of the department of human resources to be unable to make the payments specified in that section from the revenue available for that purpose.".

Amend the title of the bill to read as follows:

"An Act relating to health care; limiting increases in charges for certain care; establishing and financing various programs to assist in containing the costs of health care; authorizing the department of human resources to impose a tax on hospitals if a certain amendment to the state plan for assistance to the medically indigent is approved by the Federal Government; authorizing the department to impose certain other taxes on providers of medical care; making appropriations; authorizing expenditures; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to provision and costs of health care. (BDR 40-1958)".

Assemblyman Callister moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 577.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 417.

The following Senate amendment was read:

Amendment No. 1257.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. A natural person shall not make a contribution or contributions to a candidate for:*

*(a) A city, county, state or judicial office in a total amount which exceeds $2,000; or*

*(b) A statewide office in a total amount which exceeds $10,000,*

*during the period beginning on the day after the last general election for the office and ending on the day of the general election for that office.*

*2. A candidate shall not accept a contribution made in violation of subsection 1.*

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

Sec. 3. *1. A person, other than a natural person, political party or committee sponsored by a political party, shall not make a contribution or contributions to a candidate for:*

*(a) A city, county, state or judicial office in a total amount which exceeds $10,000; or*

*(b) A statewide office in a total amount which exceeds $20,000,*

*during the period beginning on the day after the last general election for that office and ending on the day of the general election for that office.*

*2. A candidate shall not accept a contribution made in violation of subsection 1.*

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

Sec. 4. *1. A member of an organization whose primary purpose is to provide support for legislators of a particular political party and house shall not solicit or accept contributions on behalf of the legislators or the organization, or solicit or accept a commitment to make such a contribution during the period beginning:*

*(a) Thirty days before a regular session of the legislature and ending 30 days after the final adjournment of a regular session of the legislature; or*

*(b) The day after the governor issues a proclamation calling for a special session of the legislature and ending 15 days after the final adjournment of a special session of the legislature.*

*2. A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.*

*3. A person shall not accept a contribution on behalf of another person to avoid the prohibitions of this section.*

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

Sec. 5. *1. It is unlawful for a member of the legislature, the lieutenant governor or the governor to solicit or accept any monetary contribution for any political purpose during the period beginning:*

*(a) Thirty days before a regular session of the legislature and ending 30 days after the final adjournment of a regular session of the legislature; or*

*(b) The day after the governor issues a proclamation calling for a special session of the legislature and ending 15 days after the final adjournment of a special session of the legislature.*

*2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.*

*3. This section does not prohibit the payment of a salary or other compensation or income to a member of the legislature, the lieutenant*

*governor or the governor during a session of the legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.*".

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; limiting the amount of campaign contributions which may be given to a candidate for a city, county, state, judicial or statewide office; limiting the amount of campaign contributions a candidate for a city, county, state, judicial or statewide office may accept from a single source; prohibiting certain public officers from soliciting or accepting monetary contributions during certain periods; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to campaign practices. (BDR 24-1158)".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 417.

Remarks by Assemblymen Myrna Williams and Scherer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 475.

The following Senate amendment was read:

Amendment No. 1256.

Amend sec. 2, page 1, line 3, by deleting "*Every person*" and inserting: "*Except as otherwise provided in subsection 6, every person who is*".

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting: "*candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group and every committee for political action which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:*".

Amend sec. 2, page 1, line 14, by deleting "*Sixty days*" and inserting: "*The 15th day of the second month*".

Amend sec. 2, page 2, between lines 15 and 16, by inserting:

"*6. The provisions of this section do not apply to a political party or committee sponsored by a political party.*".

Amend sec. 3, page 2, by deleting lines 16 through 23 and inserting:

"Sec. 3. *1. A member of an organization whose primary purpose is to provide support for legislators of a particular political party and house shall not solicit or accept contributions on behalf of the legislators or the organization, or solicit or accept a commitment to make such a contribution during the period beginning:*

*(a) Thirty days before a regular session of the legislature and ending 30 days after the final adjournment of a regular session of the legislature; or*

*(b) The day after the governor issues a proclamation calling for a special session of the legislature and ending 15 days after the final adjournment of a special session of the legislature.*

*2. A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.*

*3. A person shall not accept a contribution on behalf of another person to avoid the prohibitions of this section.*

*4. A person who violates any provision of this section is guilty of a misdemeanor.*".

Amend sec. 4, page 2, line 35, by deleting "*Sixty days*" and inserting: "*The 15th day of the second month*".

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated as sections 5 through 6.5, following sec. 4, to read as follows:

"Sec. 5. *1. A natural person shall not make a contribution or contributions to a candidate for:*

*(a) A city, county, state or judicial office in a total amount which exceeds $2,000; or*

*(b) A statewide office in a total amount which exceeds $10,000,*

*during the period beginning on the day after the last general election for the office and ending on the day of the general election for that office.*

*2. A candidate shall not accept a contribution made in violation of subsection 1.*

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

Sec. 6. *1. A person, other than a natural person, political party or committee sponsored by a political party, shall not make a contribution or contributions to a candidate for:*

*(a) A city, county, state or judicial office in a total amount which exceeds $10,000; or*

*(b) A statewide office in a total amount which exceeds $20,000,*

*during the period beginning on the day after the last general election for that office and ending on the day of the general election for that office.*

*2. A candidate shall not accept a contribution made in violation of subsection 1.*

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

Sec. 6.5 *1. It is unlawful for a member of the legislature, the lieutenant governor or the governor to solicit or accept any monetary contribution for any political purpose during the period beginning:*

*(a) Thirty days before a regular session of the legislature and ending 30 days after the final adjournment of a regular session of the legislature; or*

*(b) The day after the governor issues a proclamation calling for a special session of the legislature and ending 15 days after the final adjournment of a special session of the legislature.*

*2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.*

*3. This section does not prohibit the payment of a salary or other compensation or income to a member of the legislature, the lieutenant governor or the governor during a session of the legislature if it is made for services provided as a part of his regular employment or is additional income to which he is entitled.*".

Amend sec. 7, page 4, line 46, by deleting "*Sixty days*" and inserting: "*The 15th day of the second month*".

Amend sec. 7.5, page 5, line 21, after "*contribution*" by inserting: "*of $100 or more*".

Amend sec. 7.5, page 5, line 23, by deleting the period and inserting: "*or donate the money to a nonprofit entity.*".

Amend sec. 10, page 6, by deleting lines 30 through 35 and inserting: "are rendered to a [candidate] *:*

*1. Candidate;*

*2. Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;*

*3. Committee for political action which makes an expenditure on behalf of a candidate or group of candidates; or*

*4. Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot,*

without charge to the candidate [.] *, person or committee.*".

Amend sec. 11, page 6, line 44, by deleting: "[Thirty] *Sixty* days" and inserting: "[Thirty days] *The 15th day of the second month*".

Amend sec. 11, page 6, lines 46 and 47, by deleting: "*and the number of contributions which are less than $500*".

Amend sec. 11, page 7, lines 7 and 8, by deleting: "*and the number of contributions which are less than $500*".

Amend sec. 11, page 7, lines 12 and 13, by deleting: "*and the number of contributions which are less than $500*".

Amend sec. 12, page 7, line 42, by deleting "Sixty days" and inserting: "[Sixty days] *The 15th day of the second month*".

Amend sec. 12.5, page 8, line 37, by deleting "Sixty days" and inserting: "[Sixty days] *The 15th day of the second month*".

Amend sec. 12.5, page 8, line 44, by deleting "Sixty days" and inserting: "[Sixty days] *The 15th day of the second month*".

Amend sec. 13, page 9, line 4, by deleting "[who advocates" and inserting "who [advocates".

Amend sec. 13, page 9, line 12, after "ballot]" by inserting "*is*".

Amend sec. 13, page 9, by deleting lines 13 and 14 and inserting: "*candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, every committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates* shall, not later than:".

Amend sec. 13, page 9, line 22, by deleting "Sixty days" and inserting: "[Sixty days] *The 15th day of the second month*".

Amend sec. 18, page 12, by deleting lines 23 through 25 and inserting:

"*(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.*".

Amend sec. 18, page 12, between lines 28 and 29, by inserting:

"*(c) A committee for political action which makes an expenditure on behalf of a candidate or group of candidates.*".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 475.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 190.

The following Senate amendment was read:

Amendment No. 1258.

Amend sec. 4, page 1, line 10, by deleting "*oaths. The*" and inserting: "*oaths.*

*2. The*".

Amend sec. 4, page 1, line 12, after "*papers.*" by inserting: "*Before issuing such a subpena, the commission shall submit a written request to the public officer or public employee who is the subject of an inquiry or opinion of the commission, requesting:*

*(a) His appearance as a witness;*

*(b) The appearance as a witness of any other person who may have information relating to the inquiry or opinion; or*

*(c) The production of any books and papers.*

*Each such request must specify the time and place for the attendance of any witness or the production of any books and papers, and designate with certainty the books and papers requested, if any. If the public officer or other witness fails or refuses to attend or produce the books and papers requested by the commission, the commission may issue the subpena.*".

Amend sec. 4, page 1, line 13, by deleting "*2.*" and inserting "*3.*".

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

Amend sec. 4, page 2, line 9, by deleting "*4.*" and inserting "*5.*".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. 1. A public officer or public employee shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a public officer or public employee to a charitable organization from which the officer or employee does not derive any financial benefit is deemed not to be accepted or received by the officer or employee for the purposes of this section.

3. This section does not prohibit:

(a) The receipt of payment for work performed outside the normal course of a person's public office or employment if the performance of that work is consistent with the applicable policies of his public employer regarding supplemental employment.

(b) The receipt of an honorarium by the spouse of a public officer or public employee if it is related to the spouse's profession or occupation.

4. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the public officer or public employee in his capacity as a public officer or public employee. The term does not include the payment of:

(a) The actual and necessary costs incurred by the public officer or public employee, his spouse or his aid for transportation and for lodging and meals while the public officer or public employee is away from his residence.

(b) Compensation which would otherwise have been earned by the public officer or public employee in the normal course of his public office or employment.

(c) A fee for a speech related to the officer's or employee's profession or occupation outside of his public office or employment if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the public officer or public employee is approximately the same as the fee that would be paid to a member of the private sector whose qualifications are similar to those of the officer or employee for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officers.

5. A public officer or public employee who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, forfeits the amount of the honorarium.".

Amend sec. 5, pages 2 and 3, by deleting lines 35 through 48 on page 2 and lines 1 through 3 on page 3.

Amend sec. 7, pages 3 and 4, by deleting lines 31 through 48 on page 3 and lines 1 through 6 on page 4 and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 281.455 is hereby amended to read as follows:

281.455 1. The commission on ethics, consisting of six members, is hereby created.

2. The legislative commission shall appoint to the commission:

(a) One former legislator;

(b) One former public officer of a county; and

(c) One former public officer of a city.

3. The governor shall appoint to the commission three residents of the state, one of whom must be, if available and willing to serve, a retired justice or judge of this state who was not removed or retired from that office for cause.

4. Not more than three members of the commission may be members of the same political party. Not more than three members may be residents of the same county.

5. None of the members *of the commission* may [hold] *:*

*(a) Hold* another public office ;

*(b) Be actively involved in the work of any political party or political campaign; or*

*(c) Appear in person and communicate directly with a member of the legislative branch on behalf of someone other than himself, for compensation, to influence legislative action,*

while he is serving on the commission.

[5.] *6.* After the initial terms, the members shall serve terms of 4 years. Any vacancy in the membership must be filled by the appropriate appointing authority for the unexpired term. Each member may serve no more than two consecutive full terms.".

Amend sec. 10, page 5, by deleting lines 1 and 2 and inserting:

"3. *Make such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.*".

Amend sec. 11, page 6, line 5, by deleting "*employee*" and inserting: "*employee, other than a member of the legislature,*".

Amend sec. 11, page 6, line 7, after "*8.*" by inserting: "*A member of the legislature shall not:*

*(a) Use governmental time, property, equipment or other facility for a nongovernmental purpose or for the private benefit of himself or any other person.*

*This paragraph does not prohibit:*

*(1) A limited use of state property and resources for personal purposes if:*

*(I) The use does not interfere with the performance of his public duties;*

*(II) The cost or value related to the use is nominal; and*

*(III) The use does not create the appearance of impropriety.*

*(2) The use of mailing lists, computer data or other information lawfully obtained from a governmental agency which is available to members of the general public for nongovernmental purposes; or*

*(3) The use of telephones or other means of communication if there is not a special charge for that use.*

*(b) Require or authorize a legislative employee, while on duty, to perform personal services or assist in a private activity, except:*

*(1) In unusual and infrequent situations where the employee's service is reasonably necessary to permit the legislator or legislative employee to perform his official duties; or*

*(2) Where such service has otherwise been established as legislative policy.*

*9.*".

Amend sec. 11, page 6, line 9, by deleting "*9.*" and inserting "*10.*".

Amend sec. 13, page 6, line 48, by deleting "[but".

Amend sec. 13, page 7, line 1, by deleting "may] *or*" and inserting: "*or advocate the passage or failure of,* but may".

Amend sec. 13, page 7, line 21, after the semicolon by inserting "*or*".

Amend sec. 15, page 9, by deleting lines 32 through 37 and inserting:

"281.551 *1. In addition to any other penalty provided by law, the commission may impose on a public officer or former public officer civil penalties not to exceed $5,000 for a willful violation of this chapter.*

*2. In addition to any other penalty provided by law, the commission may impose a civil penalty not to exceed $5,000 on any person who knowingly or maliciously submits to the commission any false accusation or false information, or submits to the commission any false accusation or false information in bad faith.*

*3. If the commission finds that a violation of a provision of this chapter by a public officer or former public officer has resulted in the realization by another person of a financial benefit, the commission may, in addition to any other penalty, require the current or former public officer to pay a civil penalty of not more than twice the amount so realized.*

*4. If the commission finds that a violation of this chapter has been committed by a public officer removable from office by impeachment only, it shall file a report with the appropriate person responsible for commencing impeachment proceedings as to its finding. The report must contain a statement of the facts alleged to constitute the violation.*

*5. Any action taken by a public officer relating to NRS 281.481, 281.491 or 281.501 shall be deemed not to be a willful violation of any provision of those sections if the public officer:*

*(a) Relied in good faith upon the advice of the legal counsel retained by the public body which the public officer represents;*

*(b) Was unable, through no fault of his own, to obtain an opinion from the commission before the action was taken; and*

*(c) The action taken was not contrary to any prior opinion issued by the commission to the public officer.*

*6. A public employee who willfully violates any provision of NRS 281.481,*".

Amend sec. 15, page 9, line 41, by deleting "*3.*" and inserting "*7.*".

Amend sec. 15, page 9, between lines 45 and 46 by inserting:

"*8. The imposition of a civil penalty pursuant to subsection 1, 2 or 3 is a final decision for the purposes of judicial review.*".

Amend sec. 17, page 11, by deleting lines 8 through 12 and inserting:

"*(e) A list of all gifts of $200 or more which the public or judicial officer or candidate received during the preceding taxable year, except:*

*(1) A gift received from a person who is related to the public or judicial officer or candidate within the third degree of consanguinity or affinity.*

*(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative, judicial or political action of the public or judicial officer or candidate.*".

Amend sec. 20, page 11, line 39, by deleting "21 and 22" and inserting: "21, 22 and 23".

Amend the bill as a whole by deleting sections 21 and 22 and adding new sections designated sections 21 through 23, following sec. 20, to read as follows:

"Sec. 21. *1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.*

*2. Every candidate for a state, district, county, city or township office at a primary, general or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall:*

*(a) Return the unspent money to contributors;*

*(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;*

*(c) Contribute the money to:*

*(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;*

*(2) A political party;*

*(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or*

*(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);*

*(d) Donate the money to any tax-exempt nonprofit entity; or*

*(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.*

*3. Every candidate for a state, district, county, city or township office at a primary, general or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall, not later than the 15th day of the second month after his defeat:*

*(a) Return the unspent money to contributors;*

*(b) Contribute the money to:*

*(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;*

*(2) A political party;*

*(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or*

*(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);*

*(c) Donate the money to any tax-exempt nonprofit entity; or*

*(d) Dispose of the money in any combination of the methods provided in paragraphs (a), (b) and (c).*

*4. Every public officer who:*

*(a) Holds a state, district, county, city or township office;*

*(b) Does not run for reelection and is not a candidate for any other office; and*

*(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,*

*shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.*

*5. Any candidate or public officer who willfully violates any provision of this section is guilty of a misdemeanor. The court shall, in addition to any other penalty which may be imposed, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.*

*6. For the purposes of this section, "contributions" include any interest and other income earned thereon.*

Sec. 22. *1. If a candidate for state, district, county, city or township office files a declaration of candidacy for an office which is different from the office:*

*(a) Which he previously and publicly intended to seek; or*

*(b) He held immediately preceding his declaration of candidacy,*

*he shall make a reasonable effort to notify the persons who contributed money to his campaign before he filed his declaration of candidacy and shall return the unspent portion of those contributions if so requested. Any contributions not returned must be used in his campaign or must be disposed of in the manner provided in section 21 of this act.*

*2. Any person who willfully violates the provisions of this section is guilty of a misdemeanor.*

Sec. 23. *1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend, and the disposition of those unspent contributions.*

*2. Each public officer who is elected to a state, district, county, city or township office shall file a report with the secretary of state:*

*(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend, and the amount, if any, of those unspent contributions disposed of pursuant to paragraph (a), (b) or (c) of subsection 2 of section 21 of this act;*

*(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to section 21 of this act during the period since his last report and the manner in which they were disposed of; and*

*(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.*

*3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.*

*4. Except as otherwise provided in this section, any person who willfully violates any provision of this section is guilty of a misdemeanor.*

Amend the bill as a whole by renumbering sec. 23 as sec. 24.

Amend sec. 23, page 12, line 32, by deleting "*21 or 22*" and inserting: "*21, 22 or 23*".

Amend the bill as a whole by adding new sections designated sections 25 and 26 and the text of repealed section, following sec. 23, to read as follows:

"Sec. 25. 1. The legislative commission shall appoint a subcommittee to conduct an interim study of ethics in government. The study must include, but need not be limited to, an examination of:

(a) The relationship between local commissions on ethics and the state commission on ethics.

(b) The liability of a public officer or public employee for relying upon the opinion of the attorney employed by his office relating to an interpretation of ethical conduct.

(c) The feasibility of lowering the threshold for reporting campaign contributions.

(d) The feasibility of establishing limits on the amount of campaign contributions which may be given and received.

(e) Requirements for the disclosure of contributions received by committees for political action.

(f) Educational and training requirements for public officers and public employees who are required to comply with a code of ethical standards, including training programs for newly elected public officers.

2. The legislative commission shall report the results of the study and any recommended legislation to the 67th session of the Nevada legislature.

3. The commission on ethics shall, by January 1, 1993, prepare and distribute a pamphlet containing appropriate definitions, guidelines and examples of appropriate and inappropriate conduct to assist public officers and public employees in carrying out and complying with the provisions of NRS 281.411 to 281.581, inclusive. The commission on ethics shall consult with the members of the subcommittee appointed to conduct the study pursuant to subsection 1 in carrying out its duties pursuant to this subsection.

Sec. 26. Section 1 of chapter 239, Statutes of Nevada 1991, is hereby repealed.

Section 1 of chapter 239, Statutes of Nevada 1991:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A member of the legislature shall not accept or receive an honorarium.

2. An honorarium paid on behalf of a legislator to a charitable organization from which the legislator does not derive any financial benefit is deemed not to be accepted or received by the legislator for the purposes of this section.

3. As used in this section, "honorarium" means the payment of money or anything of value for an appearance or speech by the legislator in his capacity as a legislator. The term does not include the payment of:

(a) The actual and necessary costs incurred by the legislator, his spouse or his aid for transportation and for lodging and meals while the legislator is away from his residence.

(b) Compensation which would otherwise have been earned by the legislator in the normal course of his employment or profession.

(c) A fee for a speech related to the legislator's profession or occupation outside of his legislative service if:

(1) Other members of the profession or occupation are ordinarily compensated for such a speech; and

(2) The fee paid to the legislator is approximately the same as the fee that would be paid to a nonlegislator whose qualifications are similar to those of the legislator for a comparable speech.

(d) A fee for a speech delivered to an organization of legislatures, legislators or other elected officials.

4. A legislator who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, forfeits the amount of the honorarium.".

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 190.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 23.

The following Senate amendment was read:

Amendment No. 1284.

Amend the resolution, page 1, line 4, by deleting "hungry or".

Amend the resolution, page 1, line 7, by deleting "42,000" and inserting "30,336".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 23.

Remarks by Assemblyman Freeman.

Motion carried.

Resolution ordered enrolled.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblymen Myrna Williams and Wong.

Roll call on Assembly Bill No. 339:

YEAS—23.

NAYS—Arberry, Bayley, Elliott, Evans, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Johnson, Lambert, Little, McGaughey, Norton, Pettyjohn, Porter, Wendell Williams, Wong—19.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 580 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 818.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assemblyman Hardy moved that Senate Bill No. 51 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hardy.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 479.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 479:

YEAS—38.

NAYS—Goetting, Little, Pettyjohn, Wong—4.

Assembly Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 499:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 673.

Bill read third time.

Remarks by Assemblymen Price, Elliott, Petrak, Giunchigliani, Myrna Williams and Anderson.

Roll call on Assembly Bill No. 673:

YEAS—40.

NAYS—Wendell Williams, Wong—2.

Assembly Bill No. 673 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

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

Amendment No. 1394.

Amend section 1, page 1, line 5, by deleting: "*October 1, 1991,*" and inserting: "*January 1, 1992,*".

Amend sec. 4, page 3, by deleting line 4 and inserting: "*for which tentative approval for financing is granted on or after January 1, 1992, by the county for work to be*".

Amend sec. 5, page 4, line 8, by deleting "*which is*".

Amend sec. 5, page 4, by deleting line 9 and inserting: "*for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a*".

Amend sec. 6, page 5, by deleting line 9 and inserting: "*new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992,*".

Amend sec. 6, page 5, line 10, by deleting: "*October 1, 1991,*".

Amend sec. 7, page 5, by deleting line 38 and inserting: "*for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992,*".

Amend sec. 7, page 5, line 39, by deleting: "*October 1, 1991,*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 152:

YEAS—37.

NAYS—Gregory, Johnson, Scherer, Spriggs, Wong—5.

Senate Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 316.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Assemblyman Arberry moved that Senate Bill No. 316 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Senate Bill No. 339.

Bill read third time.

Remarks by Assemblymen Evans, Little and Pettyjohn.

Assemblymen Porter, Garner and Evans moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 339.

Roll call on Senate Bill No. 339:

YEAS—34.

NAYS—Bayley, Goetting, Gregory, Kerns, Little, McGaughey, Pettyjohn, Wong—8.

Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 342.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 342:

YEAS—38.

NAYS—Bayley, Little, Pettyjohn, Wong—4.

Senate Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 344:

YEAS—35.

NAYS—Gibbons, Lambert, Little, McGaughey, Pettyjohn, Spriggs, Wong—7.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 369:

YEAS—41.

NAYS—Little.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblymen Sader, Little, Price, Elliott and Myrna Williams.

Roll call on Senate Bill No. 395:

YEAS—41.

NAYS—Little.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.
Bill read third time.
Remarks by Assemblyman Stout.
Roll call on Senate Bill No. 472:
YEAS—42.
NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 4:45 p.m.

## ASSEMBLY IN SESSION

At 5:01 p.m.
Mr. Speaker presiding.
Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Senate Bills Nos. 574, 610, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 296 be placed on the General File.
Remarks by Assemblyman Porter.
Motion carried.

Assemblyman Porter moved that Assembly Bill No. 822; Senate Bills Nos. 52, 346, 558, 574 and 610 be placed on the Second Reading File.
Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 497.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 497:
Yeas—42.
Nays—None.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblyman Lambert.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:06 p.m.

## ASSEMBLY IN SESSION

At 5:13 p.m.

Mr. Speaker presiding.

Quorum present.

Roll call on Senate Bill No. 516:

Yeas—42.

Nays—None.

Senate Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 570.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 570:

Yeas—42.

Nays—None.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 615.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 615:

Yeas—42.

Nays—None.

Senate Bill No. 615 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter requested that the record reflect Assemblyman Bergevin excused for the remainder of the day.

GENERAL FILE AND THIRD READING

Senate Bill No. 620.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Senate Bill No. 620:

Yeas—41.
Nays—None.
Absent—Bergevin.

Senate Bill No. 620 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 622.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Senate Bill No. 622:

Yeas—41.
Nays—None.
Absent—Bergevin.

Senate Bill No. 622 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 623.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 623:

Yeas—40.
Nays—None.
Absent—Bergevin.
Not voting—Hardy.

Senate Bill No. 623 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 637.
Bill read third time.
Remarks by Assemblymen Humke, Spriggs and Anderson.
Roll call on Senate Bill No. 637:

Yeas—36.
Nays—Johnson, Lambert, Little, Spriggs, Wong—5.
Absent—Bergevin.

Senate Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 20.
Resolution read third time.
Remarks by Assemblymen Spriggs and Carpenter.

Roll call on Senate Joint Resolution No. 20:

Yeas—41.
Nays—None.
Absent—Bergevin.

Senate Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 25.

Resolution read third time.

Remarks by Assemblyman Spriggs.

Roll call on Senate Joint Resolution No. 25:

Yeas—41.
Nays—None.
Absent—Bergevin.

Senate Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 296.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1371.

Amend sec. 2, page 1, line 5, by deleting: "3, 4 and 5" and inserting: "3 to 5.5, inclusive,".

Amend sec. 3, page 1, by deleting lines 7 through 9 and inserting:

"Sec. 3. "Car wash" means an establishment engaged in the washing, waxing or polishing of motor vehicles.".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. "Charter service by limousine" means the exclusive use of a limousine for the transportation of passengers and their baggage under a single contract.".

Amend sec. 4, page 1, line 10, after "means" by inserting "car washes,".

Amend sec. 4, page 1, by deleting line 15 and inserting:

"2. Coin-operated laundries, dry-cleaning machines, car washes or other cleaning".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. "Limousine" means every motor vehicle, except a taxicab, which has a capacity of less than nine persons, including the driver, engaged in the general transportation of persons for compensation and not operated on a regular schedule or over regular routes.".

Amend sec. 5, page 1, by deleting line 17 and inserting:

"Sec. 5. "Motor vehicle" means every self-propelled device in, upon or by which any person".

Amend sec. 5, page 1, line 19, by deleting: "moved by human power or".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. "Taxicab" means a vehicle which is not operated over a fixed route, is designed or constructed to accommodate and transport not more than six passengers, including the driver, and is:

1. Fitted with a taximeter or has some other device, method or system to indicate and determine the passenger fare charged for the distance traveled;

2. Used in the transportation of passengers or light express, or both, for which a charge or fee is received; or

3. Operated in any service which is held out to the public as being available for the transportation of passengers from place to place in the State of Nevada.".

Amend sec. 6, page 1, line 21, before "A" by inserting "1."

Amend sec. 6, pages 1 and 2, by deleting lines 23 and 24 on page 1 and lines 1 through 9 on page 2 and inserting:

"(a) Cleaning or washing of personal property;

(b) Repairing of radios, television sets and other household electronic devices, refrigerators, air conditioners and other household appliances, furs, watches, clocks, jewelry and furniture;

(c) Storing furs;

(d) Parking motor vehicles;

(e) Authorizing the use of a golf course by a golfer; and

(f) Charter service by limousine.".

Amend sec. 6, page 2, between lines 9 and 10 by inserting:

"2. For the purposes of this section:

(a) The consideration for the use of a golf course includes all amounts paid by a golfer for the privilege of playing golf, including green fees, the fee for the use of a golf cart, pull cart, golf clubs or any other equipment provided by the operator of the golf course for use by the golfer, and the portion of any dues for membership paid to a golf course that is attributable to the use of the golf course. The tax applies to golf courses operated by an entity that is otherwise exempt from taxation pursuant to section 7 of this act.

(b) The parking of motor vehicles does not include parking which is paid for through a coin-operated device.".

Amend sec. 7, page 2, line 10, by deleting "The" and inserting: "Except as otherwise provided in subsection 2 of section 6 of this act, the".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. The tax imposed pursuant to section 6 of this act does not apply:

1. To a transaction if the tax imposed pursuant to chapter 372 of NRS is imposed upon the entire transaction, or to the portion of a transaction upon which the tax imposed pursuant to chapter 372 of NRS is imposed.

2. To services provided pursuant to a warranty to the extent that the services are paid for by the warrantor or his successor in interest.".

Amend sec. 9, page 2, line 32, by deleting "The" and inserting: "Except as otherwise provided in this subsection, the".

Amend sec. 9, page 2, line 36, by deleting "$50;" and inserting "$25;".

Amend sec. 9, page 2, between lines 37 and 38, by inserting: "A fee must be paid pursuant to this subsection for the permit for each specified location. A separate fee is not required for changing the business conducted at a specified location or for changing the location of the business.".

Amend sec. 11, page 3, line 11, by deleting "$50" and inserting "$25".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. 1. The tax imposed pursuant to section 6 of this act does not apply to the sale of services that is not a sale at retail if the person who provides the services takes from the purchaser a certificate to the effect that the services are purchased for resale.

2. A resale certificate relieves the provider of the services from the burden of collecting the tax only if taken in good faith from a person who is engaged in the business of selling those services and who holds the permit provided for in section 9 of this act and who, at the time of purchasing the services, intends to sell them in the regular course of business.

3. A resale certificate must:

(a) Be signed by and bear the name and address of the purchaser.

(b) Indicate the number of the permit issued to the purchaser.

(c) Indicate the general character of the services sold by the purchaser in the regular course of business.

4. The certificate must be substantially in the form that the department prescribes.

5. Any person who gives a resale certificate for services which he knows at the time of purchase are not to be resold by him in the regular course of business for the purpose of evading payment to the seller of the amount of the tax applicable to the transaction is guilty of a misdemeanor.".

Amend sec. 15, page 3, line 44, after the period by inserting: "The person shall deduct and withhold from the taxes otherwise due from him 1.25 percent thereof to reimburse himself for the cost of collecting the tax.".

Amend sec. 16, page 4, line 3, after the period by inserting: "If the tax is paid during the period of the extension, the tax must be accompanied by a payment of interest of 1.5 percent of the amount due, but no penalty may be imposed upon the payment.".

Amend sec. 18, page 4, by deleting lines 21 through 37 and inserting:

"Sec. 18. (Deleted by amendment.)".

Amend sec. 46, page 9, by deleting line 24 and inserting: "customer if the name and address of the customer is known.".

Amend sec. 52, page 10, line 21, after "Carson City" by inserting: "or Clark County".

Amend sec. 57, page 10, line 47, after "Carson City" by inserting: "or Clark County".

Amend sec. 57, page 11, line 1, after "Carson City" by inserting: "or Clark County".

Amend sec. 67, page 12, line 42, before "All" by inserting "1.".

Amend sec. 67, page 12, between lines 44 and 45 by inserting:

"2. The department shall deposit all fees, taxes, interest and penalties it receives under this chapter in the state treasury for credit to the services tax account in the state general fund.

3. The money in the services tax account may, upon order of the state controller, be used for refunds under this chapter.".

Amend sec. 73, page 13, by deleting lines 29 and 30 and inserting: "percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.".

Amend the bill as a whole by adding a new section designated sec. 73.5, following sec. 73, to read as follows:

"Sec. 73.5. NRS 375.010 is hereby amended to read as follows:

375.010 [The following terms, wherever used or referred to] *As used* in this chapter, [have the following meaning unless a different meaning clearly appears in the context:] *unless the context otherwise requires:*

1. "Deed" means every instrument in writing, except a last will and testament, whatever its form, and by whatever name it is known in law, by which title to any estate or present interest in real property is conveyed or transferred to, and vested in, another person, but does not include a lease for any term of years or an easement.

2. *"Real property" includes a water right.*

*3.* "Value" means:

(a) In the case of any deed not a gift, the amount of the full, actual consideration paid or to be paid, excluding the amount of any lien or liens assumed.

(b) In the case of a gift, or any deed with nominal consideration or without stated consideration, the estimated price the real property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.".

Amend sec. 75, page 14, by deleting lines 1 through 13 and inserting:

"Sec. 75. NRS 111.315 is hereby amended to read as follows:

111.315 Every conveyance of real property [,] *or a water right,* and every instrument of writing setting forth an agreement to convey any real property [,] *or a water right,* or whereby any real property *or water right* may be affected, proved, acknowledged and certified in the manner prescribed in this chapter, to operate as notice to third persons, [shall] *must* be

recorded in the office of the recorder of the county in which [such] *the* real property is situated, but [shall be] *is* valid and binding between the parties thereto without such [record.] *recording.*".

Amend sec. 76, page 14, line 18, by deleting "$482,903" and inserting "$376,232".

Amend sec. 76, page 14, line 19, by deleting "$357,123" and inserting "$359,574".

Amend the bill as a whole by adding a new section designated sec. 76.5, following sec. 76, to read as follows:

"Sec. 76.5. Except as otherwise provided in this section, the tax imposed pursuant to section 6 of this act does not apply to a contract for the provision of services in effect on July 1, 1991, between a provider of services and a specific purchaser of those services that establishes a specific rate for the performance of the services until the contract is renewed or revised in any manner. This section does not apply to a contract that establishes rates that are subject to unilateral revision by one of the parties.".

Amend sec. 77, page 14, line 26, by deleting: "January 1, 1992." and inserting: "July 1, 1991, for the purposes of the adoption of regulations by the Nevada tax commission and on January 1, 1992, for all other purposes.".

Amend the title of the bill, first and second lines, by deleting: "services; imposing a tax on" and inserting: "services and activities; extending the real property transfer tax to".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to taxation. (BDR 32-66)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 815, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 194, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 493, 725; Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 639, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 493, 725, 815; Senate Bills Nos. 341 and 639 be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 822.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 52.

Bill read second time and ordered to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1404.

Amend section 1, page 1, line 2, by deleting "$714,542" and inserting "$500,000".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 558.

Bill read second time and ordered to third reading.

Senate Bill No. 574.

Bill read second time and ordered to third reading.

Senate Bill No. 610.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1407.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting: "White Pine Historical Railroad Foundation the sum of $95,000 for the repair of the roof of the machine shop.".

Amend the title of the bill, first and second lines, by deleting: "maintenance and operational expenses;" and inserting "maintenance;".

Amend the summary of the bill, second line, by deleting: "nance and operational expenses." and inserting "nance.".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 725.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1403.

Amend sec. 4, page 2, by deleting lines 22 and 23.

Amend sec. 4, page 2, line 24, by deleting "3." and inserting "2.".

Amend sec. 4, page 2, line 34, by deleting "4." and inserting "3.".

Amend sec. 5, page 2, by deleting lines 37 through 42 and inserting: "commission on the future of the judicial system in Nevada the sum of $50,000 to carry out the provisions of sections 1 to 4 inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after".

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

"Sec. 6. As soon as practicable, the governor shall".

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

"Sec. 7. This act becomes effective upon passage and approval.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 815.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1402.

Amend section 1, page 1, line 3, by deleting "$168,716" and inserting "$162,956".

Amend section 1, page 1, line 7, by deleting "$118,716;" and inserting "$112,956;".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 639.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sabrina Nunn and Mr. John Frazier.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 24, 1991 at 1:00 p.m.
Motion carried.

Assembly adjourned at 5:51 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-FIFTH DAY

CARSON CITY (Monday), June 24, 1991

Assembly called to order at 1:04 p.m.
Madam Speaker pro Tempore presiding.
Roll called.
All present.
Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, the people out there really don't know what it's like here. They often have the wrong idea about this whole process and about legislators in particular. Help us to convince them otherwise by honesty, intelligence, hard work, concern and even love. As our time here nears an end, we ask for Your strength and Your love when it seems like we have none of our own left. Thank You, Master. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

### MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 46.
Assemblyman Garner moved the adoption of the resolution.
Remarks by Assemblyman Garner.
Resolution adopted, as amended.

Assembly Concurrent Resolution No. 85.
Assemblyman Haller moved the adoption of the resolution.
Remarks by Assemblyman Haller.
Resolution adopted, as amended.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 1:12 p.m.

### ASSEMBLY IN SESSION

At 1:25 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Assembly Bill No. 454; Senate Bills Nos. 419, 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 454; Senate Bills Nos. 419, 538, 596 be placed on the Second Reading File.

Motion carried.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess until 2:00 p.m.

Assembly in recess at 1:26 p.m.

ASSEMBLY IN SESSION

At 2:43 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 229, 741, 807, 820; Senate Bills Nos. 348, 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

REMARKS FROM THE FLOOR

Assemblyman Porter requested that Assemblyman Dini's remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. Order of Business 15. As we were closing yesterday's floor session, I recalled a story from Saturday night at my high school reunion.

I am sorry if in doing so I hurt anyone's feelings or offended them. Let me extend a personal apology to Mr. Williams and Mr. Arberry. It was never my intention to offend you. These are difficult times as we work long hours together in an effort to complete the work of this session. In doing so, we need to remain sensitive to one another. I spoke to Mr. Williams this morning and assured him as a valued member of our leadership team it was never my intent to offend him. I extend the same assurances to Mr. Arberry.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 541, 644.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 495, 548.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 495.

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

Motion carried.

Senate Bill No. 541.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Welfare.

Motion carried.

Senate Bill No. 548.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 644.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 454.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1431.

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

"Section 1. Chapter 370 is hereby amended by adding thereto a new section to read as follows:

*If an operating cost per carton of cigarettes has been established by the executive director, a wholesale dealer shall not charge less than that cost unless he has demonstrated his ability to operate at the lower cost to the satisfaction of the executive director.*".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend sec. 4, page 1, by deleting lines 18 through 21 and inserting: "shall [:

(a) Establish and maintain a place of business in the State of Nevada; and

(b) Keep] *keep* on hand [therein] at all times cigarettes of a wholesale value of at least $10,000.".

Amend sec. 4, page 1, line 23, by deleting "[1973.] *1991.*" and inserting "1973.".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 3 and 4.

Amend the bill as a whole by deleting sec. 8 and renumbering sec. 9 as sec. 5.

Amend sec. 9, page 4, lines 18 and 19, by deleting "[wholesale.] *retail.*" and inserting "wholesale.".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 and 12 as sections 6 and 7.

Amend the bill as a whole by deleting sec. 13 and renumbering sec. 14 as sec. 8.

Amend the title of the bill to read as follows:

"An Act relating to tobacco; prohibiting certain sales by a wholesale dealer; changing certain reporting requirements; allowing refunds for certain excise taxes; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1405.

Amend section 1, page 1, line 14, after the period by inserting: "*An owner shall not unreasonably withhold approval of such entry on his land. The provisions of this subsection are not applicable to an entry made pursuant to NRS 37.050.*".

Amend sec. 4, page 3, line 9, after "body" by inserting: "or, if authorized by ordinance, to the planning commission,".

Amend sec. 4, page 3, line 14, after "body" by inserting: "or, if authorized by ordinance, to the planning commission,".

Amend sec. 4, page 3, line 47, after "body" by inserting: "or, if authorized by ordinance, to the planning commission,".

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

"Sec. 7. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Senate Bill No. 538 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bennett.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 596.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1408.

Amend section 1, page 1, line 22, after "*made*" by inserting: "*in good faith*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Hardy moved that Senate Bill No. 51 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Hardy.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 51.

Bill read third time.

The following amendment was proposed by Assemblyman Hardy:

Amendment No. 1397.

Amend section 1, page 2, by deleting lines 6 and 7.

Assemblyman Hardy moved the adoption of the amendment.

Remarks by Assemblymen Hardy, Gibbons, Gregory, Lambert, Humke, Krenzer, Price, Evans, Giunchigliani and McGinness.

Assemblymen Porter, Arberry and Evans moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1397 to Senate Bill No. 51.

Amendment lost.

Remarks by Assemblymen Gibbons, Evans and Freeman.

Roll call on Senate Bill No. 51:

YEAS—33.

NAYS—Bache, Bennett, Giunchigliani, Gregory, Hardy, Krenzer, Petrak, Scherer, Spitler—9.

Senate Bill No. 51 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 178.

Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 178:
YEAS—41.
NAYS—Little.

Assembly Bill No. 178 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 193.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 193:
YEAS—42.
NAYS—None.

Assembly Bill No. 193 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 295 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Porter.
Motion carried.

Assemblyman Porter moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Porter.
Motion carried.

Assemblyman Porter moved that Assembly Bill No. 815 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 295.
Remarks by Assemblyman Porter.
Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 194.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Assembly Bill No. 194:
YEAS—42.
NAYS—None.

Assembly Bill No. 194 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 301.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1433.

Amend section 1, page 1, by deleting line 2 and inserting:

"7.125 1. Except as limited by subsections 2, 3 and 4, an attorney".

Amend section 1, page 1, line 9, by deleting "made [, except" and inserting "made, [except".

Amend section 1, page 1, by deleting line 11 and inserting:

"(b) For court appearances,] $60 per hour.".

Amend section 1, page 1, line 15, by deleting "$6,000;" and inserting "[$6,000;] *$12,000;*".

Amend section 1, page 2, by deleting lines 14 through 18 and inserting:

"5. The magistrate, the district court or the supreme court may, in the".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by Assemblymen Bergevin and Callister:

Amendment No. 1442.

Amend sec. 5, page 1, by deleting line 19 and inserting:

"(a) A natural person who receives wages or other remuneration from a business for personal".

Amend sec. 5, page 1, line 22, after "A" by inserting "natural".

Amend sec. 5, page 2, line 1, after "a" by inserting "natural".

Amend sec. 5, page 2, line 12, after "A" by inserting "natural".

Amend sec. 5, page 2, line 15, by deleting "wages" and inserting "compensation".

Amend sec. 5, page 2, by deleting line 17 and inserting: "(d) A natural person who performs all of his duties for the".

Amend sec. 8, page 3, line 7, after "a" by inserting "natural".

Amend sec. 9, page 3, line 47, after "one" by inserting "natural".

Assemblyman Bergevin moved the adoption of the amendment.

Remarks by Assemblyman Bergevin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 574 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Bergevin.

Roll call on Assembly Bill No. 531:

YEAS—38.

NAYS—Bayley, Goetting, Little, Pettyjohn—4.

Assembly Bill No. 531 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 640.

Bill read third time.

Remarks by Assemblymen Humke, Bergevin, Carpenter, Spriggs, Elliott, Lambert and McGaughey.

Roll call on Assembly Bill No. 640:

YEAS—13.

NAYS—Anderson, Bache, Bayley, Bennett, Bergevin, Callister, Garner, Goetting, Gregory, Haller, Heller, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Scherer, Spriggs, Stout, Myrna Williams, Wendell Williams, Mr. Speaker—28.

Not voting—Hardy.

Assembly Bill No. 640 having failed to receive a constitutional majority, Madam Speaker pro Tempore declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, McGaughey, Anderson, Bache, Johnson, Gibbons, Bennett, Evans, Scherer, Little, Krenzer, Bayley, Pettyjohn, Lambert, Hardy, Haller, Spriggs, Stout, Carpenter, Elliott, Freeman, Bergevin, Humke, Spitler, McGinness, Sader, Callister, Arberry, Price, Marvel, Gregory, Wong, Petrak, Kerns, Wendell Williams, Porter, Myrna Williams, Giunchigliani, Heller, Norton, Garner and Goetting:

Assembly Resolution No. 10—Commending the attachés of the Assembly for their dedicated service during the 66th session of the Nevada Legislature.

WHEREAS, The smooth and efficient operation of the Legislature is largely dependent on the quality and dedication of its staff; and

WHEREAS, The attachés of the Assembly, composed of bill clerks, secretaries, sergeants at arms, the ladies on the front desk and other clerical and support staff, have worked diligently and efficiently in their service to members of this body; and

WHEREAS, The bill clerks, arriving at 5 a.m., or earlier, have worked their magic this session without being seen or acknowledged, even though their absence would be noticed immediately; and

WHEREAS, The secretaries and other clerical support have kept minutes, listened to constituents, written letters, organized the offices of legislators and performed countless other important tasks necessary to the operation of this Legislature; and

WHEREAS, The sergeant at arms and his staff have pleasantly performed errands, poured coffee, delivered messages and organized the daily files of the Assembly; and

WHEREAS, The ladies on the front desk collectively have a total of 82 years of experience at keeping the business of the legislative session recorded, accurate and flowing; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 66th session of the Nevada Legislature commend and thank Carol Moore, Joan Anderson, Joan Babic, Jane Gill, Betty Day, Carol Martini, Cindy Southerland, Kay Graves, Laverna Marwin, Carolyn Maynick, Michael Barclay, Charles Van Geel, Jr., Juliana Baker, Jill Erickson, Jason Hataway, Jennifer Meredith, Scott Ruedy, Shawn Ruedy, Patricia Hatch, Christine Shaw, Lucinda Benjamin, Kimberly Fry, Marcia Warne, Marilyn Cole, Donna Calhoun, Laura Pabon, Betty Wills, Lula Collins, Iris Bellinger, Susan Packard, Kathy Pereos, Barbara Doke, Patricia Baltz, Dianne Laird, Sherree Koehler, Rebecca Boatwright, Reba Coombs, Dale Gray, Launa Martin, Patricia McDaniel, Cheryl Thurston, Patricia Menath, Martha Bowers, April Carino, Kathleen Day, Carol Dickerson, Maureen Francisco, Judy Gyarmathy, Frances Hill, Colleen Janes, Constance Lewis, Paulette Simpson, Marlene Staub, Donna Watt, Marcelene Wehry, Sharon Burnham, Janet Busse, Sally Dunfield, Lavelle Johnson, Morse Burley, Mary Carel, James Coffin, Melvin Cowperthwaite, Edward Cordisco, Jr., Linda Cummings, Mark Hess, Marian Howard, Reid Meyer, Mike Pintar, Shanna Pozzi, Mike Richardson, Valorie Sheldon and Julene Smith.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter, Price, McGaughey and Madam Speaker pro Tempore.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Madam Speaker pro Tempore. Whatever the number of it is, the substance of it is still the same. The substance of the resolution commends all the individuals who are behind me now, the ladies who are in front of me and the wonderful young people who are in the red coats that assist us every day and keep this session functioning as smoothly as it has. Madam Speaker pro Tempore, there is not enough thanks that this body can give to all of these individuals. I know that we thank them on a daily basis but for the most part they really don't get enough thanks. They don't get enough recognition for the job that they do in keeping us here and keeping us prepared in keeping this legislative session rolling. If we were as efficient as the staff that runs this place, we probably would have been able to leave a long, long time ago, but we are not, and we have other differences between us. They allow us to have those differences and allow us to do our jobs in, hopefully, what I think will be an effective manner. I would like to welcome all of you that are here now for coming down and watching our floor session and especially for myself, the Speaker, the Minority Leader and the rest of us—we certainly appreciate the job that all of you have done for this legislative session and thank you all, very much.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, would like to rise in recognition in honoring our wonderful employees and staff, the unsung heroes of the legislative session, and keep us to some degree, what, at least to the efficiency and the point that we are, and it's pretty hard on them. I'm not sure why some come back every year, but I want to commend Mouryne because of her ability to somehow find all of these wonderful people for us every year. Thank you, again. I don't think there is enough that we can say or do on behalf of the people, and the ladies, and the young gentlemen, and all those who come in at four o'clock in the morning, back in the bill book room, and everyone who helps us. We thank you all. I won't tell any stories on you if you don't tell any stories on me.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Madam Speaker pro Tempore. I want to add my thank you to the staff. I have seen the ladies at the front desk as late as 9:30, 10:00, at night here. They work the weekends, they are here on Sundays, Saturdays, just like we are and without them, we'd never get our job done. So, I, too, want to thank everyone in this building for all the good work they have done for us.

MADAM SPEAKER PRO TEMPORE:

Thank you, Mr. McGaughey. I would like to take a point of personal privilege and echo the remarks of my colleagues and extend those remarks to all those people who have worked so diligently for us but cannot be here or are not here with us today.

Resolution adopted unanimously.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 822.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1437.

Amend sec. 4, pages 2 and 3, by deleting lines 38 through 44 on page 2 and lines 1 through 3 on page 3 and inserting:

"*3. The instruction required in subsection 1 must also include comprehensive instruction in the election process and the political system of the United States and the State of Nevada.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 178, 193, 194, 531; Assembly Concurrent Resolutions Nos. 46 and 85 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Scherer moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:42 p.m.

## ASSEMBLY IN SESSION

At 4:11 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 823—An Act relating to statutes; making technical corrections to measures previously approved by the 66th session of the legislature; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 2:

YEAS—41.

NAYS—Little.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Remarks by Assemblyman Goetting.

Roll call on Senate Bill No. 45:

YEAS—38.

NAYS—Bayley, Lambert, Spriggs—3.

Not voting—Giunchigliani.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 52:

YEAS—37.

NAYS—Anderson, Bache, Giunchigliani, Haller, Spitler—5.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 335.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 335:

YEAS—35.

NAYS—Elliott, Goetting, Little, Pettyjohn, Spriggs, Stout, Wong—7.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 345.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 345:

YEAS—36.

NAYS—Bayley, Lambert, Little, Pettyjohn, Spriggs, Wong—6.

Senate Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1420.

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. Section 2 of chapter 407, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 2. NRS 630.160 is hereby amended to read as follows:

630.160 1. Every person desiring to practice medicine must, before beginning to practice, procure from the board a license authorizing him to practice.

2. Except as otherwise provided in NRS 630.164 [,] *or section 1 of this act,* a license may be issued to any person who:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States;

(b) Has completed the course of study set forth in NRS 630.162 and received the degree of Doctor of Medicine from a medical school:

(1) Approved by the Liaison Committee for Medical Education of the American Medical Association and American Association of Medical Colleges; or

(2) Which provides a course of professional instruction equivalent to that provided in medical schools in the United States approved by the Liaison Committee for Medical Education,

which he attended for a total of 2 years immediately preceding the granting of the degree;

(c) Has passed:

(1) All parts of the examination given by the National Board of Medical Examiners;

(2) All parts of the Federation Licensing Examination; or

(3) All parts of a licensing examination given by any state or territory of the United States if the applicant is certified by a specialty board of the American Board of Medical Specialties;

(d) Has completed 3 years of:

(1) Graduate education as a resident in the United States or Canada in a program approved by the Accreditation Council for Graduate Medical Education of the American Medical Association or the Coordinating Council of Medical Education of the Canadian Medical Association; or

(2) Fellowship training in the United States or Canada approved by the board or the Accreditation Council for Graduate Medical Education; and

(e) Appears personally before the board and satisfactorily passes a written or oral examination, or both, as to his qualifications to practice medicine and provides the board with a description of the clinical program completed demonstrating that the applicant's clinical training met the requirements of paragraph (b) of [subsection 2.] *this subsection.*

Sec. 6. Section 4 of chapter 407, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 4. NRS 630.265 is hereby amended to read as follows:

630.265 1. [The] *Except as otherwise provided in section 1 of this act, the* board may issue to a qualified applicant a limited license to practice medicine as a resident physician in a graduate program approved by the Accreditation Council for Graduate Medical Education if he is:

(a) A graduate of an accredited medical school in the United States or Canada; or

(b) A graduate of a foreign medical school and has received the standard certificate of the Educational Commission for Foreign Medical Graduates or a written statement from that commission that he passed the examination given by it.

2. The medical school or other institution sponsoring the program shall provide the board with written confirmation that the applicant has been appointed to a position in the program and is a citizen of the United States or lawfully entitled to remain and work in the United States. Such a license remains valid only while the licensee is actively practicing medicine in the residency program and is legally entitled to work and remain in the United States.

3. The board may issue such a limited license for not more than 1 year but may renew the license.

4. The holder of a limited license may practice medicine only in connection with his duties as a resident physician or under such conditions as are approved by the director of the program and the board.

5. A limited license granted pursuant to this section may be revoked by the board at any time for any of the grounds provided in NRS 630.301 to 630.3065, inclusive [.] *, or section 1 of this act.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 551.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 551:

YEAS—34.

NAYS—Bache, Freeman, Giunchigliani, Haller, Price, Sader, Spriggs, Myrna Williams—8.

Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 558.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 558:

YEAS—34.

NAYS—Bayley, Elliott, Little, McGinness, Petrak, Pettyjohn, Scherer, Spriggs—8.

Senate Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 610.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 610:

YEAS—37.

NAYS—Little, Pettyjohn, Spriggs, Stout, Wong—5.

Senate Bill No. 610 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 639.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 639:

YEAS—42.

NAYS—None.

Senate Bill No. 639 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 295, 815, 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 638, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 229, 258, 442, 741, 807, 820; Senate Bills Nos. 336, 348, 611 and 638 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 222, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 18, which is attached to and hereby made a part of this report.

ROBERT M. SADER
BERNIE ANDERSON
JOSEPH JOHNSON
*Assembly Committee on Conference*

JOSEPH M. NEAL, JR.
WILLIAM R. O'DONNELL
LEONARD V. NEVIN
*Senate Committee on Conference*

Conference Amendment No. 18.

Amend sec. 12, page 4, line 42, after "*453.336,*" by inserting: "*or is found guilty of that charge,*".

Amend the bill as a whole by deleting sections 32 through 36 and adding new sections designated sections 32 through 36, to read as follows:

"Sec. 32. NRS 453.221 is hereby amended to read as follows:

453.221 The board may adopt regulations and charge reasonable fees relating to the registration and control of the [possession, administering, prescribing] *manufacture, distribution* and dispensing of controlled substances within this state.

Sec. 33. NRS 453.226 is hereby amended to read as follows:

453.226 1. Every practitioner or other person who [possesses, administers, prescribes] *manufactures, distributes* or dispenses any controlled substance within this state or who proposes to engage in the [possession, administering, prescribing] *manufacture, distribution* or dispensing of any controlled substance within this state shall obtain biennially a registration issued by the board in accordance with its regulations.

2. [Persons] *A person* registered by the board in accordance with the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 13, inclusive, of this act* to [possess, administer, dispense, prescribe] *manufacture, distribute, dispense* or conduct research with controlled substances may possess, [administer, dispense, prescribe] *manufacture, distribute, dispense* or conduct research with those substances to the extent authorized by [their] *the* registration and in conformity with the other provisions of those sections.

3. The following persons need not register and may lawfully possess and distribute controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive [:] *, and sections 2 to 13, inclusive, of this act:*

(a) An agent or employee of [any] *a* registered *manufacturer, distributor or* dispenser of [any] *a* controlled substance if he is acting in the usual course of his business or employment; [or]

(b) A common or contract carrier or *warehouseman, or* an employee thereof, whose possession of any controlled substance is in the usual course of business or employment [.

4. A] *; or*

*(c) An ultimate user or a* person in possession of any controlled substance pursuant to a lawful order of a physician, dentist, podiatrist or veterinarian or in lawful possession of a schedule V substance . [need not register pursuant to the provisions of NRS 453.011 to 453.552, inclusive.

5. The persons specified in subsection 2 of NRS 453.375 need not register and may lawfully possess and administer controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive.

6.] *4.* The board may waive the requirement for registration of certain *manufacturers, distributors or* dispensers if it finds it consistent with the public health and safety.

[7.] *5.* A separate registration is required at each principal place of business or professional practice where the applicant [possesses, administers, prescribes] *manufactures, distributes* or dispenses controlled substances.

[8.] *6.* The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's regulations.

Sec. 34. NRS 453.231 is hereby amended to read as follows:

453.231 1. The board shall register an applicant to [possess, administer, dispense or prescribe] *manufacture or distribute* controlled substances included in schedules I to V, inclusive, unless it determines that the issuance of that registration would be inconsistent with the public interest.

[2.] In determining the public interest, the board shall consider the following factors:

(a) Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific , *research* or industrial channels;

(b) Compliance with [applicable federal,] state and local law;

(c) [Any convictions] *Promotion of technical advances in the art of manufacturing controlled substances and the development of new substances;*

*(d) Convictions* of the applicant pursuant to [any federal and] *laws of another country or federal or* state laws relating to [any] *a* controlled substance;

[(d)] *(e)* Past experience *of the applicant* in the [possession, administering, dispensing and prescribing] *manufacture or distribution* of controlled substances, and the existence in the applicant's establishment of effective controls against diversion [;

(e)] *of controlled substances into other than legitimate medical, scientific research or industrial channels;*

*(f)* Furnishing by the applicant of false or fraudulent material in [any] *an* application filed pursuant to the provisions of NRS 453.011 to 453.552, inclusive [;

(f)] *, and sections 2 to 13, inclusive, of this act;*

*(g)* Suspension or revocation of the applicant's federal registration to *manufacture, distribute,* possess, administer or dispense controlled substances as authorized by federal law; and

[(g)] *(h)* Any other factors relevant to and consistent with the public health and safety.

[3.] *2.* Registration pursuant to [subsections 1 and 2 does not entitle] *subsection 1 entitles* a registrant to [possess, administer, dispense or prescribe controlled substances] *manufacture or distribute a substance included* in schedules I or II [other than those] *only if it is* specified in the registration.

[4. Prescribing practitioners]

*3. A practitioner* must be registered [to dispense any controlled substances or to conduct research with controlled substances] *before dispensing a controlled substance or conducting research with respect to a controlled substance included* in schedules II to V, inclusive . [, if they are authorized to dispense or conduct research pursuant to the laws of this state.

5.] The board need not require separate registration pursuant to the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 13, inclusive, of this act* for practitioners engaging in research with nonnarcotic controlled substances *included* in schedules II to V, inclusive, if the registrant is already registered in accordance with the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 13, inclusive, of this act* in another capacity.

[6. Prescribing practitioners] *A practitioner* registered in accordance with federal law to conduct research with *a substance included in* schedule I [substances] may conduct research with [schedule I substances within] *the substance in* this state upon furnishing the board evidence of [that] *the* federal registration.

[7. Compliance by dispensers and prescribing practitioners with the provisions of the federal law respecting registration, excluding fees, entitles them to be registered in accordance with the provisions of NRS 453.011 to 453.552, inclusive.]

*4. A manufacturer or distributor registered under the federal Controlled Substances Act (21 U.S.C. §§ 801 et seq.,) may submit a copy of the federal application as an application for registration as a manufacturer or distributor under this section. The board may require a manufacturer or distributor to submit information in addition to the application for registration under the federal act.*

Sec. 35. NRS 453.232 is hereby amended to read as follows:

453.232 Any person who [possesses, administers, prescribes] *manufactures, distributes* or dispenses a controlled substance without being registered by the board if required by NRS 453.231 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than $2,000.

Sec. 36. NRS 453.236 is hereby amended to read as follows:

453.236 1. [If a person who is registered in accordance with the provisions of NRS 453.231 is convicted of a felony for a violation of any federal or state law concerning drugs or chemicals, that conviction operates as an immediate suspension of the registration. The person so convicted may apply to the board for reinstatement at any time.

2. A] *The board may suspend or revoke a* registration pursuant to NRS 453.231 to [possess, administer, dispense or prescribe] *manufacture, distribute or dispense* a controlled substance [may be suspended or revoked by the board] upon a finding that the registrant has:

(a) Furnished false or fraudulent material information in [any] *an* application filed pursuant to NRS 453.011 to 453.552, inclusive [;

(b) Had his registration or license to possess, administer, dispense or prescribe controlled substances revoked in any state;] *, and sections 2 to 13, inclusive, of this act;*

*(b) Been convicted of a felony under a state or federal law relating to a controlled substance;*

(c) Had his federal registration to [possess, administer, dispense or prescribe] *manufacture, distribute or dispense* controlled substances suspended or revoked [;

(d) Surrendered or failed to renew his federal registration;

(e) Ceased to be entitled by state law to possess, administer, dispense or prescribe a controlled substance;

(f) Failed to maintain effective controls against diversion of controlled substances into other than legitimate medical, scientific or individual channels;

(g) Failed to keep complete and accurate records of controlled substances purchased, administered or dispensed independent of the individual patient's chart or medical record; or

(h) Failed to comply with any provision of this chapter or any of the statutes of the United States, federal regulations, other statutes of this state or regulations of the board relating to controlled substances or dangerous drugs.

3. A registrant whose default has been entered or who has been heard by the board and found guilty of the violation alleged in the accusation may be disciplined by the board by one or more of the following methods:

(a) Suspending judgment;

(b) Placing the registrant on probation, subject to such terms and conditions as the board deems appropriate;

(c) Suspending the right of a registrant to use a registration or any schedule thereof;

(d) Revoking the registration or any schedule thereof;

(e) Imposition of a public or private reprimand; or

(f) Imposition of a fine not to exceed $1,000 for each count of the accusation.

Such an action by the board is final, except that the propriety of the action is subject to review upon questions of law by a court of competent jurisdiction.

4.] *and is no longer authorized by federal law to manufacture, distribute or dispense such substances; or*

*(d) Committed an act that would render registration under NRS 453.231 inconsistent with the public interest as determined pursuant to that section.*

*2. The board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.*

*3.* If a registration is suspended or revoked, *the board may place under seal* all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation . [order may be placed under seal.] No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. [Upon an order for the revocation of a license becoming final, all] *When a revocation becomes final, the court may order the* controlled substances [may be] forfeited to the state.

*4. The board may seize or place under seal any controlled substance owned or possessed by a registrant whose registration has expired or who has ceased to practice or do business in the manner permitted by the registration. The controlled substance must be held for the benefit of the registrant or his successor in interest. The board shall notify a registrant, or his successor in interest, whose controlled substance is seized or placed under seal, of the procedures to be followed to secure the return of the controlled substance and the conditions under which it will be returned. The board may not dispose of a controlled substance seized or placed under seal under this subsection until the expiration of 180 days after the controlled substance was seized or placed under seal. The board may recover costs it incurred in seizing, placing under seal, maintaining custody and disposing of any controlled substance under this subsection from the registrant, from any proceeds obtained from the disposition of the controlled substance, or from both. The board shall pay to the registrant or his successor in interest any balance of the proceeds of any disposition remaining after the costs have been recovered.*

5. The board shall promptly notify the Drug Enforcement Administration and division of all orders suspending or revoking registration and the division shall promptly notify the Drug Enforcement Administration and the board of all forfeitures of controlled substances.

6. A registrant shall not employ as his agent or employee in any premises where controlled substances are sold, dispensed, stored or held for sale any person whose pharmacist's certificate has been suspended or revoked.".

Amend the bill as a whole by adding a new section designated sec. 37.5, following sec. 37, to read as follows:

"Sec. 37.5. NRS 453.246 is hereby amended to read as follows:

453.246 Persons registered to *manufacture, distribute or* dispense controlled substances pursuant to the provisions of NRS 453.011 to 453.552, inclusive, *and sections 2 to 13, inclusive, of this act,* shall keep records and

maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law and with any additional regulations the board issues.".

Amend sec. 43, page 21, line 31, by deleting: "is prohibited from".

Amend sec. 43, page 21, by deleting line 32 and inserting: "shall not prescribe, administer or dispense a controlled substance listed in".

Amend sec. 43, page 22, line 1, by deleting "supplier" and inserting "[distributor] *supplier*".

Amend sec. 43, page 22, by deleting line 3 and inserting: "[a drug sample of any such controlled substance to a registrant. As used in this subsection, "drug sample" has the meaning ascribed to it in section 2 of this act.] *samples of such a controlled substance to registrants.*".

Amend sec. 43, page 22, line 7, by deleting: "No person may" and inserting: "A person shall not".

Amend the bill as a whole by renumbering sec. 47 as sec. 48 and adding a new section designated sec. 47, following sec. 46, to read as follows:

"Sec. 47. Section 4 of Assembly Bill No. 501 of this session is hereby repealed.".

Amend sec. 47, page 23, by deleting line 42 and inserting:

"Sec. 48. 1. This section and section 47 of this act become effective upon passage and approval.

2. Sections 15, 22, 32 to 36, inclusive, 37.5, 43, 45 and 46 of this act become effective at 12:01".

Amend the bill as a whole by adding the text of the repealed section, following sec. 47, to read as follows:

TEXT OF REPEALED SECTION

Section 4 of Assembly Bill No. 501 of this session:

Sec. 4. *1. The board shall issue a license as a manufacturer or wholesaler of drugs to an applicant if it determines that the issuance of the license is in the best interest of the public.*

*2. Before issuing a license, the board shall consider:*

*(a) The record of the applicant for compliance with the requirements of any license previously granted to him.*

*(b) The plan of the applicant for security and control of drugs.*

*(c) The facility in which drugs are to be stored by the applicant.*

*(d) The accuracy of the recordkeeping by the applicant.*

*3. In addition to the provisions of subsection 2, in reviewing the application of a person to be licensed as a manufacturer or wholesaler of drugs, the board shall consider:*

*(a) The qualifications and credentials of the applicant in manufacturing or distributing drugs; and*

*(b) The suspension or revocation of or a restriction on any license held by the applicant for the manufacture or distribution of drugs.*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 222.

Remarks by Assemblyman Sader.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Myrna Williams moved that the Assembly do not recede from its action on Senate Bill No. 166, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Myrna Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Evans and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 166.

SECOND READING AND AMENDMENT

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1426.

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

"Section 1. 1. There is hereby appropriated from the state general fund to Yerington Grammar School No. 9 Restoration, Inc., the sum of $40,000 for the restoration of Yerington Grammar School No. 9.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. 1. There is hereby appropriated from the state general fund to the Fernley Preservation Society the sum of $10,000 for the restoration of the train depot in Fernley.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on June 30, 1991.".

Amend the title of the bill to read as follows:

"An Act making appropriations for the restoration of Yerington Grammar School No. 9 and train depot in Fernley; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriations for restoration of Yerington Grammar School No. 9 and train depot in Fernley. (BDR S-1069)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1427.

Amend section 1, page 1, by deleting lines 2 through 5 and inserting: "Lyon County School District the sum of $50,000 for the planning of a multi-district vocational technical high school.".

Amend sec. 2, page 1, by deleting lines 6 through 8 and inserting:

"Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all".

Amend sec. 3, page 1, line 10, by deleting "July 1," and inserting "June 30,".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1410.

Amend section 1, page 1, line 3, by deleting "$983,191" and inserting "$977,691".

Amend section 1, page 1, line 4, after "state." by inserting: "The money must be used as follows:

1. Cathedral Gorge State Park, $347,000.
2. Echo Canyon State Park, $108,860.
3. Lake Tahoe Nevada State Park, $88,412.
4. Valley of Fire State Park, $38,934.
5. Dayton State Park, $84,111.
6. Spring Mountain Ranch State Park, $4,500.
7. Maintenance projects, $305,874.".

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 3 through 7, following sec. 2, to read as follows:

"Sec. 3. Section 4 of chapter 383, Statutes of Nevada 1987, as amended by chapter 685, Statutes of Nevada 1989, at page 1589, is hereby amended to read as follows:

Sec. 4. Except as otherwise provided in this section, any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1989, and reverts to the state general fund as soon as all payments of money committed have been made.

Any remaining balance of the appropriation made by subsection 6 of section 1 of this act must not be committed for expenditure after June 30, [1991.] *1993.*

Sec. 4. Section 4 of chapter 685, Statutes of Nevada 1989, at page 1589, is hereby amended to read as follows:

Sec. 4. The division of state parks of the state department of conservation and natural resources may temporarily borrow a portion of the appropriation made by section 1 of this act to provide money for use in accordance with the division's budget for planning and development. Any such money borrowed:

1. Before or during the fiscal year 1989-90 must be repaid no later than June 30, 1990.

2. During the fiscal year 1990-91 must be repaid no later than June 30, [1991.] *1992.*

Sec. 5. Section 5 of chapter 685, Statutes of Nevada 1989, at page 1589, is hereby amended to read as follows:

Sec. 5. Any remaining balance of the appropriation made by section 1 of this act *:*

*1. For use as provided in paragraphs (a), (e), (j) and (k) of subsection 1 of that section,* must not be committed for expenditure after June 30, 1991, and reverts to the state general fund as soon as all payments of money committed have been made.

*2. For use as provided in paragraphs (b), (c), (d), (f) to (i), inclusive, (l) and (m) of subsection 1 of that section, must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.*

Sec. 6. The state controller shall provide for the payment of claims legally obligated in each fiscal year on behalf of the division of state parks of the state department of conservation and natural resources for the purposes set forth in:

1. Subsection 6 of section 1 of chapter 383, Statutes of Nevada 1987;

2. Paragraphs (b), (c), (d), (f) to (i), inclusive, (l) and (m) of subsection 1 of section 1 of chapter 685, Statutes of Nevada 1989; and

3. Section 1 of this act,

until the last Friday of the August immediately following the end of the fiscal year.

Sec. 7. With the approval of the interim finance committee, the division of state parks of the state department of conservation and natural resources may expend during fiscal year 1992-93 not more than $100,000 of the money made available by the Federal Government for the conservation of land or water, which is authorized for expenditure during fiscal year 1991-92 pursuant to section 1 of Senate Bill No. 646 of this session, for the Statewide Comprehensive Outdoor Recreation Plan.''.

Amend the title of the bill to read as follows:

''An Act relating to the division of state parks of the state department of conservation and natural resources; making an appropriation for the improvement of park facilities; extending the time for repayment and rever-

sion of money previously appropriated; authorizing a delay in certain expenditures for recreational planning; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation for improvement of park facilities and authorizes delay in certain expenditures for recreational planning. (BDR S-1792)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 741.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1435.

Amend section 1, page 1, line 4, by deleting "*shall*" and inserting "*may*".

Amend section 1, page 1, by deleting line 5 and inserting: "*convicted person to reimburse the county, city and state for all or part*".

Amend section 1, page 1, line 6, by deleting "*expenses*" and inserting "*reasonable expenses*".

Amend section 1, page 1, line 8, by deleting "*restitution.*" and inserting: "*those expenses.*".

Amend section 1, page 1, line 9, by deleting "*restitution*" and inserting "*reimbursement*".

Amend section 1, page 1, line 11, by deleting "*restitution*" and inserting "*reimbursement*".

Amend section 1, page 1, line 12, by deleting "*restitution.*" and inserting "*reimbursement.*".

Amend section 1, page 1, line 13, by deleting "*make restitution*" and inserting "*provide reimbursement*".

Amend sec. 2, page 2, line 1, by deleting "*make restitution*" and inserting "*provide reimbursement*".

Amend sec. 3, page 2, line 9, by deleting "*make restitution*" and inserting "*provide reimbursement*".

Amend sec. 7, page 2, by deleting lines 44 through 47 and inserting: "*does not include the homestead of the offender, not exceeding $95,000 in value.*".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 807.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1423.

Amend the bill as a whole by deleting sections 1 through 26 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires:*

*1. "Billed charge" means the total amount charged by a hospital for medical care provided, regardless of the anticipated amount of net revenue to be received or the anticipated source of payment.*

*2. "Hospital" has the meaning ascribed to it in NRS 439B.110.*

*3. "Medicaid" has the meaning ascribed to it in NRS 439B.120.*

*4. "Operating cost" means the expenses of operation of a hospital which the department determines to be an allowable operating expense including:*

*(a) All operating expenses allowed by the Health Care Financing Administration for hospitals which receive payments pursuant to a state or federal program to provide assistance to the medically indigent;*

*(b) Expenses for capital improvements; and*

*(c) Other operating expenses which the department determines to be directly related to the provision of care to patients.*

Sec. 3. *1. The department is authorized to include in the state plan for assistance to the medically indigent a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients. The plan must be consistent with the provisions of sections 2 to 8, inclusive, of this act and Title XIX of the Social Security Act (42 U.S.C. §§ 1396 et seq.), and the regulations adopted pursuant to those provisions.*

2. A program for increasing reimbursement to teaching hospitals that is directly related to reducing the ratio of students to teachers in health technician programs in the community college system must not be adopted as part of the state plan for assistance to the medically indigent unless first approved by the legislature by concurrent resolution, if the legislature is in regular or special session, or by the interim finance committee.

Sec. 4. *1. There is hereby imposed a tax on hospitals at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax imposed pursuant to subsection 1, upon approval by the board of the necessary changes to the state plan for assistance to the medically indigent. The rate of the tax must be:*

*(a) Not less than 1 percent nor more than 7 percent on the operating costs of a hospital;*

*(b) Not less than 1 percent nor more than 4 percent on the billed charges of a hospital;*

*(c) Not more than 100 percent of the state share of the amount of Medicaid payments made to a hospital for services provided to inpatients; or*

*(d) Any combination of the rates authorized by paragraphs (a), (b) and (c), except that the total amount of the tax must not exceed the amount that would be generated by a tax at the maximum rate allowed by paragraph (a) or (b), whichever is greater.*

*3. The tax must be imposed uniformly on all hospitals and must, except in the case of a tax imposed pursuant to paragraph (c) of subsection 2, be paid monthly. The tax is due within 10 days, excluding Saturdays, Sundays and legal holidays, after notice of the amount of the tax is received by the hospital. A tax imposed pursuant to paragraph (c) of subsection 2 may be paid at the time a Medicaid payment is made to the hospital.*

*4. The proceeds of the tax imposed pursuant to subsection 1 and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the hospital tax account in the state general fund. The department of human resources shall administer the account.*

*5. The interest and income earned on money in the hospital tax account, after deducting any applicable charges, must be credited to the account.*

Sec. 5. *1. The allocations and payments required pursuant to section 6 of this act must be made, to the extent allowed by the state plan for assistance to the medically indigent, from the Medicaid budget account.*

*2. The money in the hospital tax account must be transferred from that account to the Medicaid budget account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount generated by the tax imposed pursuant to section 4 of this act, including the amount contributed by the Federal Government to match that money, exceeds the amount authorized for expenditure by the department for the purposes specified in section 6 of this act, the department is authorized to expend the additional revenue in accordance with the provisions of section 6 of this act.*

Sec. 6. *1. Before making the payments required or authorized by this section, the department shall allocate money for the administrative costs of the Medicaid program. The amount allocated for administrative costs must not exceed $300,000 in a fiscal year. The interim finance committee may adjust the amount allowed for administrative costs.*

*2. After deducting the amount allocated pursuant to subsection 1, the department shall make payments to each hospital within 30 days after each payment of the tax imposed pursuant to section 4 of this act. Except as otherwise provided in this subsection, the amount paid to a hospital must at least equal the amount of the tax imposed pursuant to section 4 of this act that was paid by the hospital in the preceding month plus $100,000 in each fiscal year. If the tax authorized pursuant to paragraph (c) of subsection 2 of section 4 of this act is the only tax imposed pursuant to that subsection, the amount paid to a hospital must at least equal the amount of the tax that was*

*paid by the hospital in the preceding 30 days. If the amount paid to a hospital pursuant to subsection 3 is less than the amount required by this subsection, the difference must be paid from the hospital tax account.*

*3. A hospital may be paid the amount to which it is entitled pursuant to subsection 2, and any amount to which the hospital is entitled in excess of that amount, from the Medicaid budget account:*

*(a) If the hospital qualifies pursuant to criteria specified in the state plan for assistance to the medically indigent for compensation or an increased rate of payment for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients;*

*(b) Through an increased rate of Medicaid payments to hospitals for services provided to inpatients; or*

*(c) Through a combination of the payments authorized by paragraphs (a) and (b).*

*4. In addition to the allocation required by subsection 1 and the payments required by subsections 2 and 3, the department shall use the amount of money that is authorized for expenditure pursuant to subsection 5 to make the required expenditures for:*

*(a) The provision of new services that are first required by the Federal Government on or after April 1, 1990;*

*(b) The provision of services to persons in categories of eligibility that are first required by the Federal Government to receive coverage for such services on or after April 1, 1990; and*

*(c) Increases in the number of persons who are recipients of Medicaid over the number approved by the legislature for the Medicaid budget account.*

*5. Except as otherwise provided in this subsection, the department shall, after making the allocation required by subsection 1, use approximately one-half of the money in the Medicaid budget account that is attributable to the tax imposed pursuant to section 4 of this act, including the amount contributed by the Federal Government to match that money but excluding the amount that represents the amount of the tax itself, for the purposes specified in subsection 3 and one-half for the purposes specified in subsection 4. The proportion of the amount in the Medicaid budget account used for the purposes specified in subsection 3 may be decreased by the department if such a decrease is required for approval of the state plan for assistance to the medically indigent by the Health Care Financing Administration.*

*6. A county or district hospital that borrows money to pay the tax imposed pursuant to section 4 of this act may pledge the amount of money to be paid to the hospital pursuant to this section for payment of the loan.*

Sec. 7. *1. In addition to any other tax imposed on providers of medical care, there is hereby imposed a tax on the state share of Medicaid payments made to providers of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care, at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax, upon approval by the board of the necessary changes to the state plan for assistance to the*

*medically indigent. The rate of the tax must be not more than 100 percent of the state share of the amount of Medicaid payments made to a provider of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care. The tax may be imposed at the time a payment is made to a provider. The proceeds of the tax and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the Medicaid budget account.*

*3. The money in the Medicaid budget account attributable to the tax and any amount contributed by the Federal Government to match that money:*

*(a) Must be used:*

*(1) For the administrative costs of the Medicaid program that are related to the tax; and*

*(2) To repay the amount of the tax to the providers who pay the tax through an increased rate of reimbursement for services provided to Medicaid patients.*

*The amount of money remaining after the payments required by subparagraphs 1 and 2 must be used to increase the reimbursement paid to the providers of medical care who paid the tax for services provided to Medicaid patients, in proportion to the amount of tax paid by such providers, or for other expenses of the Medicaid program.*

*(b) Is in addition to the amount appropriated or authorized for expenditure by the legislature for that budget account.*

Sec. 8. *1. The department, through the welfare division, shall adopt regulations concerning:*

*(a) Procedures for the collection of the taxes imposed pursuant to sections 4 and 7 of this act.*

*(b) Provisions for the payment of a penalty and interest for delinquent payments of the taxes.*

*(c) Provisions for the payment of interest by the department for late reimbursements to hospitals or other providers of medical care.*

*2. The department shall report to the interim finance committee quarterly concerning the provisions of sections 2 to 8, inclusive, of this act.*

Sec. 9. 1. The department of human resources, through the welfare division, shall develop and propose an amendment to the state plan for assistance to the medically indigent in accordance with section 3 of this act and submit the proposed amendment to the Health Care Financing Administration on or before September 30, 1991. The amendment must propose to:

(a) Establish a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients;

(b) Increase the rate of reimbursement to hospitals for treating Medicaid patients; or

(c) Make some combination of the changes authorized pursuant to paragraphs (a) and (b).

The department of human resources shall implement the proposed amendment on September 30, 1991.

2. The provisions of sections 4, 5 and 6 of this act must be applied retroactively to July 1, 1991, except that:

(a) The tax authorized pursuant to section 4 of this act must be collected over the first 3 months that the tax is in effect. The tax for the month of July must be collected with the tax for the month of October. The tax for the month of August must be collected with the tax for the month of November. The tax for the month of September must be collected with the tax for the month of December.

(b) The payments made pursuant to section 6 of this act with respect to the collection of the retroactively imposed tax must be correspondingly allocated over the first 3 months that the tax is in effect.

3. Except as otherwise provided in subsections 4 and 5, if the proposed amendment is not approved, the hospitals to which payments are made pursuant to section 6 of this act shall repay to the department:

(a) The amount paid to the hospital pursuant to the change in the state plan proposed pursuant to subsection 1 for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients;

(b) The amount paid to the hospital as a result of the increased rate of reimbursement paid to hospitals pursuant to the change in the state plan proposed pursuant to subsection 1 for treating Medicaid patients; and

(c) The amount by which the amount guaranteed to be paid to the hospital pursuant to subsection 2 of section 6 of this act exceeds the amount of tax paid by the hospital,

between September 30, 1991, and the date that the proposed amendment is rejected. Payment is due within 30 calendar days after notice of the amount of the required repayment is received by the hospital. Delinquent payments must be accompanied by a penalty of 10 percent of the amount of the payment and interest at the rate of 1.5 percent per month, or fraction thereof, from the date the payment is due until the date the payment is made.

4. The repayment, if any, required pursuant to subsection 3 does not include:

(a) The amount expended by the department for administrative costs.

(b) Any reimbursement paid to hospitals for treating inpatients pursuant to the state plan for assistance to the medically indigent in effect on June 30, 1991, including increases after that date that would have been made pursuant to the plan in effect on that date.

(c) Any payment for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients pursuant to the state plan for assistance to the medically indigent in effect on June 30, 1991.

5. If a portion of the proposed amendment is approved and a portion is not approved, the repayment required by subsection 3 is limited to the amount paid to the hospital pursuant to the portion of the proposal that was disapproved.

6. There is hereby appropriated from the state general fund to the department of human resources the sum of $150,000 for the administrative costs of proposing the amendment to the state plan for assistance to the medically indigent pursuant to subsection 1 and carrying out the amendment

in the fiscal year 1991-92. The department is authorized to expend in the fiscal year 1991-92 not more than $150,000 contributed by the Federal Government to match the amount of the appropriation made by this subsection. If the proposed amendment to the state plan is disapproved, the balance of the appropriation made by this subsection must not be committed for expenditure and reverts to the state general fund as soon as all payments of money committed have been made. The amount appropriated pursuant to this subsection must be repaid to the state general fund from the hospital tax account in the manner provided in subsection 1 of section 6 of this act.

7. Notwithstanding any other provision of law to the contrary, the department of human resources may request additional funding from the legislature to replace money included in the budget approved by the legislature in reliance upon the revenue to be generated pursuant to this act that is lost as a result of any change in federal law, regulation or policy that affects the amount of money generated for the state pursuant to the provisions of this act, including the loss of any money included in the budget that was intended to be contributed by the Federal Government to match that amount.

Sec. 10. 1. This section and sections 1, 2, 3, 7, 8 and 9 of this act become effective on July 1, 1991.

2. Sections 4, 5 and 6 of this act become effective on September 30, 1991.

3. Sections 4, 5 and 6 of this act expire by limitation if federal law, regulation or policy causes the department of human resources to be unable to make the payments specified in section 6 of this act from the revenue available for that purpose.

4. Section 7 of this act expires by limitation if federal law, regulation or policy causes the department of human resources to be unable to make the payments specified in that section from the revenue available for that purpose.".

Amend the title of the bill to read as follows:

"An Act relating to welfare; imposing a tax on hospitals at a rate determined by the department of human resources; requiring the department to propose a certain amendment to the state plan for assistance to the medically indigent; imposing a tax on other providers of medical care at a rate determined by the department; making an appropriation; authorizing expenditures; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes various taxes on medical care to allow increased reimbursement for providers of care to Medicaid patients. (BDR 38-2267)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 820.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1441.

Amend section 1, page 1, line 15, after "*classified*" by inserting "*or unclassified*".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 336.

Bill read second time and ordered to third reading.

Senate Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1401.

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

"Sec. 2. 1. There is hereby appropriated from the state general fund to the Nevada gaming commission for the purpose of meeting any deficiency which may be created between the appropriated money of the commission as fixed by the 66th session of the legislature and the requirements for the salaries of the commission pursuant to section 1 of this act:

For the fiscal year 1991-92 ..... $36,025

For the fiscal year 1992-93 ..... $36,507

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill, second line, after "commission;" by inserting: "making an appropriation;".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 611.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1444.

Amend sec. 33, page 13, by deleting lines 21 and 22 and inserting: "nation of the handicapped person to be conducted at state expense to determine the nature and extent of the handicap.".

Amend sec. 34, page 14, by deleting lines 17 through 23.

Amend the bill as a whole by adding new sections designated sections 42.3 and 42.5, following sec. 42, to read as follows:

"Sec. 42.3. Section 25 of chapter 402, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 25. NRS 232.320 is hereby amended to read as follows:

232.320 1. Except as otherwise provided in subsection 2, the director:

(a) Shall appoint, with the consent of the governor, chiefs of the divisions of the department, who are respectively designated as follows:

(1) The administrator of the aging services division;

(2) The administrator of the division for review of health resources and costs;

(3) The administrator of the health division;

(4) The administrator of the rehabilitation division;

(5) The state welfare administrator; and

(6) The administrator of the division of child and family services.

(b) Shall administer, through the divisions of the department, the provisions of chapters 210, [422] *423* to 427A, inclusive, 432 to 436, inclusive, 439 to 443, inclusive, 446, 447, 449, 450, 458 and 615 of NRS, NRS *422.070 to 422.410, inclusive, and section 16 of this act, and NRS* 444.003 to 444.430, inclusive, *and* 445.015 to 445.038, inclusive, and all other provisions of law relating to the functions of the divisions of the department, but is not responsible for the clinical activities of the health division or the professional line activities of the other divisions.

(c) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this state. The director shall revise the plan biennially and deliver a copy of the plan to the governor and the legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the state and the Federal Government;

(4) Identify the sources of funding for services provided by the department and the allocation of that funding;

(5) Set forth sufficient information to assist the department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the department.

(d) Shall, upon request, provide the director of the department of general services a list of organizations and agencies in this state whose primary purpose is the training and employment of handicapped persons.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information to him regarding the programs

of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which he deems necessary for his performance of the duties imposed upon him pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. The governor shall appoint the administrator of the mental hygiene and mental retardation division.

Sec. 42.5. Section 5 of Senate Bill No. 609 of this session is hereby amended to read as follows:

Sec. 5. NRS 62.211 is hereby amended to read as follows:

62.211 1. If the court finds that the child is within the purview of this chapter, except as otherwise provided in subsection 3, it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody or to the guardianship of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court must not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and must not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) If the child is 12 years of age or older, commit the child to the custody of the division of child and family services of the department of human resources for suitable placement in a correctional or institutional facility. The division must notify the parents of the child and the court before transferring a child from one such facility to another.

(d) If the child is between the ages of 8 and 12 and, but for the age of the child, the court would have committed the child to the Caliente youth center or the Nevada youth training center, commit the child to the custody of the division of child and family services of the department of human resources for suitable placement in a public or private institution or agency authorized to care for children.

(e) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(f) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(g) Place the child, when he is not in school, under the supervision of a public organization to work on public projects or a private nonprofit organization to perform public service. The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require.

(h) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(i) Require the child to provide restitution to the victim of the crime which the child has committed.

(j) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. If the court finds that the child is a serious or chronic offender, it may, in addition to the options set forth in subsection 1:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public.

3. If the court finds that the child is within the purview of paragraph (a) of subsection 1 of NRS 62.040 and has not previously been the subject of a complaint under NRS 62.128 before committing the acts for which the petition was filed, the court shall:

(a) Admonish the child to obey the law and to refrain from repeating the acts for which the petition was filed, and maintain a record of the admonition; and

(b) Refer the child, without adjudication, to services available in the community for counseling, behavioral modification and social adjustment.

A child must not be adjudicated to be a child in need of supervision unless a subsequent petition based upon additional facts is filed with the court after admonition and referral pursuant to this subsection.

4. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

5. Whenever the court commits a child to any institution or agency pursuant to this section, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

*6. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.*".

Amend the bill as a whole by adding a new section designated sec. 49, following sec. 48, to read as follows:

"Sec. 49. Sections 25 to 34, inclusive, and 43 of this act expire by limitation on July 1, 1993.".

Amend the title of the bill, fourth line, after "services;" by inserting "temporarily".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 638.

Bill read second time and ordered to third reading.

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

Assembly in recess at 4:48 p.m.

## ASSEMBLY IN SESSION

At 5:14 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was re-referred Assembly Bill No. 728, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 258 and 473 be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 258.

Bill read second time and ordered to third reading.

Senate Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1418.

Amend section 1, page 1, by deleting lines 13 through 17 and inserting:

"2. *The legislative commission may authorize an entity that is not otherwise authorized pursuant to NRS 218.240 to 218.255, inclusive, to request the preparation of legislative measures to submit requests directly to the legislative counsel and the legal division of the legislative counsel bureau. The legislative commission shall not authorize an entity to request the preparation of more than 10 measures pursuant to this subsection.*".

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

"Sec. 2. The legislative commission shall report to the 67th session of the legislature concerning the commission's recommendations for determining which entities are authorized to submit requests for the preparation of legislative measures directly to the legislative counsel and the legal division of the legislative counsel bureau.".

Amend the title of the bill to read as follows:

"An Act relating to preparation of legislative measures; prohibiting certain entities from submitting requests for the preparation and amendment of legislative measures directly to the legislative counsel without the approval of the legislative commission; requiring the legislative commission to report its recommendations to the 67th session of the legislature concerning direct submission of such requests; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires approval of legislative commission for certain entities to submit requests for preparation of legislative measures directly to legislative counsel. (BDR 17-1575)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams and Wong.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 124, 417, 462, 475, 489, 547, 590, 627, 700; Senate Bills Nos. 157, 158, 159; Assembly Joint Resolution No. 23; Assembly Concurrent Resolutions Nos. 63, 67, 91, 100, 103, 104, 105; Senate Concurrent Resolution No. 67; Assembly Resolution No. 9.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 25, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 5:18 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-SIXTH DAY

CARSON CITY (Tuesday), June 25, 1991

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lary Rothchild.

Gracious Father. Your will. Nothing more, and nothing else, and nothing less. We pray in Christ's name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 612, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 612 be re-referred to the Committee on Ways and Means.

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 179, 185, 395, 420, 456, 581, 597, 647, 648, 668, 670, 683, 800, 806, 809, 817.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 130, 756, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 424 and requests a conference, and appointed Senators Cook, Adler and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 269.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 308.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 320.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 428.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 606.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 25, 29.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 153, 506, 576, 578, 594.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 7, 324.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 295, 296, 815 and 818 be taken from their positions on the General File and placed on the General File for the afternoon session.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 258 be taken from the General File and re-referred to the Committee on Natural Resources, Agriculture and Mining.

Remarks by Assemblyman Freeman.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblyman McGinness.

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

Assembly in recess at 11:15 a.m.

## ASSEMBLY IN SESSION

At 11:16 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 493:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 493 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblymen Goetting, Wong, Price, Dini, Marvel, Giunchigliani, Spriggs and Pettyjohn.

Roll call on Assembly Bill No. 580:

YEAS—24.

NAYS—Bayley, Bergevin, Carpenter, Elliott, Gibbons, Hardy, Heller, Humke, Johnson, Kerns, Lambert, Little, McGinness, Marvel, Pettyjohn, Spriggs, Stout, Mr. Speaker—18.

Assembly Bill No. 580 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 631.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 631:

YEAS—42.

NAYS—None.

Assembly Bill No. 631 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 725.

Bill read third time.

Remarks by Assemblyman Callister.

Assemblyman Anderson moved that Assembly Bill No. 725 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 728 be taken from its position on the General File and placed on the General File for the afternoon session.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 336:

YEAS—34.

NAYS—Gibbons, Gregory, Hardy, Little, Petrak, Pettyjohn, Scherer, Spriggs—8.

Senate Bill No. 336 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 638 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 84 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 574 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 341:

YEAS—42.

NAYS—None.

Senate Bill No. 341 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

Remarks by Assemblymen Marvel, Little, Callister and Giunchigliani.

Roll call on Senate Bill No. 346:

YEAS—35.

NAYS—Bayley, Gibbons, Hardy, Little, Pettyjohn, Spriggs, Wong—7.

Senate Bill No. 346 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

The following amendment was proposed by Assemblyman Arberry:

Amendment No. 414.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 463.335 is hereby amended to read as follows:

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

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

(b) Maintain confidential records of such information.

2. No person may be employed as a gaming employee unless he is the holder of:

(a) A valid work permit issued in accordance with the applicable ordinances or regulations of the county or city in which his duties are performed and the provisions of this chapter; or

(b) A work permit issued by the board, if a work permit is not required by either the county or the city.

3. A work permit issued to a gaming employee must have clearly imprinted thereon a statement that it is valid for gaming purposes only.

4. Whenever any person applies for the issuance or renewal of a work permit, the county or city officer or employee to whom the application is made shall within 24 hours mail or deliver a copy thereof to the board, and may at the discretion of the county or city licensing authority issue a temporary work permit. If within 90 days after receipt by the board of the copy of the application, the board has not notified the county or city licensing authority of any objection, the authority may issue, renew or deny a work permit to the applicant. Any holder of a work permit must obtain renewal of the permit from the issuing agency within 10 days following any change of his place of employment.

5. If the board, within the 90-day period, notifies:

(a) The county or city licensing authority; and

(b) The applicant,

that the board objects to the granting of a work permit to the applicant, the authority shall deny the work permit and shall immediately revoke and repossess any temporary work permit which it may have issued. The notice of objection by the board which is sent to the applicant must include a statement of the facts upon which the board relied in making its objection.

6. Application for a work permit, valid wherever a work permit is not required by any county or city licensing authority, may be made to the board, and may be granted or denied for any cause deemed reasonable by the board. Whenever the board denies such an application, it shall include in its notice of the denial a statement of the facts upon which it relied in denying the application.

7. Any person whose application for a work permit has been denied because of an objection by the board or whose application has been denied by the board may, not later than 60 days after receiving notice of the denial or objection, apply to the board for a hearing. A failure of a person whose

application has been denied to apply for a hearing within 60 days or his failure to appear at a hearing of the board conducted pursuant to this section shall be deemed to be an admission that the denial or objection is well founded and precludes administrative or judicial review. At the hearing, the board or any designated member of the board or an examiner appointed by the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 30 days after the date of the hearing announce its decision sustaining or reversing the denial of the work permit or the objection to the issuance of a work permit. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has:

(a) Failed to disclose, misstated or otherwise attempted to mislead the board with respect to any material fact contained in the application for the issuance or renewal of a work permit;

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

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

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

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

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

(g) Had a work permit revoked or committed any act which is a ground for the revocation of a work permit or would have been a ground for revoking his work permit if he had then held a work permit.

*If the board issues or does not object to the issuance of a work permit to an applicant who has been convicted of a crime which is a felony or gross misdemeanor, it may specially limit the period for which the permit is valid, limit the job classifications for which the holder of the permit may be employed and establish such individual conditions for the issuance and effectiveness of the permit as the board deems appropriate, including required submission to unscheduled tests for the presence of alcohol or controlled substances.*

8. Any applicant aggrieved by the decision of the board may, within 15 days after the announcement of the decision, apply in writing to the commission for review of the decision. Review is limited to the record of the

proceedings before the board. The commission may sustain or reverse the board's decision. The decision of the commission is subject to judicial review pursuant to NRS 463.315 to 463.318, inclusive.

9. All records acquired or compiled by the board or commission relating to any application made pursuant to this section and all lists of persons to whom work permits have been issued or denied and all records of the names or identity of persons engaged in the gaming industry in this state are confidential and must not be disclosed except in the proper administration of this chapter or to an authorized law enforcement agency. Any record of the board or commission which shows that the applicant has been convicted of a crime in another state must show whether the crime was a misdemeanor, gross misdemeanor, felony or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

10. A work permit expires unless renewed within 10 days after a change of place of employment or if the holder thereof is not employed as a gaming employee within the jurisdiction of the issuing authority for more than 90 days. *If a limited work permit is issued to a person who has committed a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state, the limited work permit must expire not later than 6 months after its issuance. It may be renewed upon confirmation by the board that the applicant remains suitable to hold the work permit.*

11. Notice of any *nonrenewal,* objection to or denial of a work permit by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice is presumed to have been received by the applicant 5 days after it is deposited with the United States Postal Service with the postage thereon prepaid.".

Amend the title of the bill to read as follows:

"An Act relating to convicted persons; authorizing a court to require a convicted person to perform supervised work as punishment or as a condition of his probation; authorizing, under certain circumstances, the issuance of a limited gaming work permit to a convicted person upon the completion of his sentence; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes related to convicted persons. (BDR 14-783)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 574.

Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 1429.

Amend sec. 3, page 1, by deleting line 9 and inserting: "philosophies regarding issues of concern to women.".

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

"Sec. 13. This act expires by limitation on July 1, 1995.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Little and Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 493, 580 and 631 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 12:10 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 725 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Anderson and Johnson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 424.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Giunchigliani moved that the Assembly do not recede from its action on Senate Bill No. 7, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Giunchigliani.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Norton and Heller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 7.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 756.

The following Senate amendment was read:

Amendment No. 1326.

Amend sec. 12, page 2, line 23, after "*be*" by inserting: "*filed within 5 days after the person filing the notice receives the notice of sale by auction, must be*".

Amend sec. 22, page 6, line 43, after "notice" by inserting: "*of sale by auction*".

Amend sec. 22, page 6, line 47, after "*notice*" by inserting: "*of sale by auction*".

Amend the bill as a whole by deleting sec. 29 and adding a new section designated sec. 29, following sec. 28, to read as follows:

"Sec. 29. NRS 489.571 is hereby amended to read as follows:

489.571 1. Whenever a security interest is created in a manufactured home, mobile home or commercial coach, the certificate of ownership must be delivered to the division with a statement signed by the debtor showing the date of the security agreement, the names and addresses of the debtor and the secured party.

2. The division shall issue to the secured party a certificate of ownership with the name and address of the secured party and the name and address of the registered owner noted on it. *If the security interest is subsequently acquired by another person, or if there is a change in the name or address of the secured party, the secured party shall apply to the division for a corrected certificate of ownership.*

3. When the contract or terms of the security agreement have been fully performed, the seller or other secured party who holds the certificate of ownership shall deliver the certificate to the person legally entitled to it with proper evidence of the termination or release of the security interest.".

Assemblyman Johnson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 756.

Remarks by Assemblyman Johnson.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 714, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Assembly Bill No. 823, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Assembly Bill No. 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 644, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 586, 714, 823; Senate Bills Nos. 416, 547, 548 and 644 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 212 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

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

Assembly in recess at 12:16 p.m.

## ASSEMBLY IN SESSION

At 12:26 p.m.

Mr. Speaker presiding.

Quorum present.

### SECOND READING AND AMENDMENT

Assembly Bill No. 586.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1460.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend the title of the bill to read as follows:

"An Act relating to veterinary medicine; requiring licensure as a condition of bringing a legal action for compensation for veterinary services; providing for the inactive status of a license and exemption from the requirements of continuing education if a license is inactive; establishing procedures for issuing a citation to a licensee who violated provisions governing the practice of veterinary medicine; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 714.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1459.

Amend section 1, page 1, line 2, after "committee" by inserting: "the sum of $200,000".

Amend section 1, page 1, by deleting lines 4 through 6 and inserting "state.".

Amend sec. 2, page 1, by deleting lines 7 through 10 and inserting:

"Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 3, page 1, line 12, by deleting "sums" and inserting "sum".

Amend sec. 4, page 1, line 20, by deleting "July 1," and inserting "June 30,".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 823.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1439.

Amend section 1, pages 1 and 2, by deleting lines 1 through 23 on page 1 and lines 1 through 5 on page 2, and inserting:

"Section 1. (Deleted by amendment.)".

Amend sec. 5, page 4, line 6, by deleting "[amount" and inserting "*corresponding* amount".

Amend sec. 5, page 4, line 7, by deleting the bracket.

Amend sec. 5, page 4, line 12, after "state" by inserting: ", *less the corresponding amount transferred to the state general fund pursuant to subsection 3 of NRS 377.050,*".

Amend sec. 6, page 4, line 43, by deleting: "[in that county]" and inserting: "in *or for* that county".

Amend the title of the bill to read as follows:

"An Act relating to sales and use taxes; compensating the department of taxation for the collection of certain taxes from out-of-state businesses; and providing other matters properly relating thereto.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1413.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. The department shall establish a pilot program to allow an authorized station, as defined in NRS 445.610, to renew certificates of registration for motor vehicles.*

*2. The department shall choose the authorized stations which may participate in the program. The department shall not choose an authorized station for the program if that station has committed any of the violations set forth in NRS 445.634.*

*3. An authorized station shall not renew a certificate of registration for a motor vehicle unless the authorized station has issued a certificate of emissions compliance for that vehicle.*

*4. The department shall establish bonding and surety requirements for an authorized station that elects to participate in the program. Each such authorized station shall obtain the equipment necessary for the operation of the station, as determined by the department, and shall pay the costs of any audit required by the department.*

*5. The department shall adopt regulations necessary to carry out the provisions of this section.*".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The department of motor vehicles and public safety shall conduct an interim study of the pilot program established pursuant to subsection 1 and submit a report of the results of the study and any recommended legislation to the director of the legislative counsel bureau for presentation to the 67th session of the legislature.".

Amend the title of the bill by deleting the second line and inserting: "to establish a pilot program for the renewal of registrations of motor vehicles at authorized stations; requiring the department to conduct an interim study of the pilot program; and".

Amend the summary of the bill to read as follows:

"Summary—Requires department of motor vehicles and public safety to establish pilot program for renewal of registrations of motor vehicles at authorized stations. (BDR 40-1387)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 548.

Bill read second time and ordered to third reading.

Senate Bill No. 644.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 725.

Bill read third time.

Remarks by Assemblymen Sader, Goetting, Carpenter and Wong.

Roll call on Assembly Bill No. 725:

YEAS—24.

NAYS—Bayley, Carpenter, Elliott, Gibbons, Goetting, Gregory, Heller, Kerns, Lambert, Little, McGaughey, Petrak, Pettyjohn, Scherer, Spitler, Spriggs, Stout, Wong—18.

Assembly Bill No. 725 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1458.

Amend section 1, page 1, line 5, by deleting "*10.5*" and inserting "*8.5*".

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

"Sec. 2. 1. There is hereby appropriated from the state general fund to the department of taxation the sum of $463,700 for payments to senior citizens entitled to increased refunds pursuant to the amendatory provisions of section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, line 6, by deleting "This" and inserting:

"1. This section and section 2 of this act become effective on June 30, 1991.

2. Section 1 of this".

Amend the title of the bill, second line, after "the tax;" by inserting: "making an appropriation;".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 229, 258, 301, 303, 442, 454, 741, 807, 820, 822; Senate Bills Nos. 348, 362, 419, 473, 596 and 611 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:39 p.m.

## ASSEMBLY IN SESSION

At 4:25 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Assembly Concurrent Resolution No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 190 and requests a conference, and appointed Senators Cook, Titus and O'Connell as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 577 and requests a conference, and appointed Senators Coffin, Glomb and Rawson as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 222.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 622.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 99.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Myrna Williams, Sader and Humke as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 190.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblymen Callister and Little.

Roll call on Assembly Bill No. 229:

YEAS—42.

NAYS—None.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 303, 807, 295, 296, 815 and 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 258:

YEAS—39.

NAYS—Giunchigliani, Lambert, Spitler—3.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 301:

YEAS—34.

NAYS—Elliott, Goetting, Little, Pettyjohn, Stout, Wong—6.

Not voting—Porter, Scherer—2.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblymen Arberry, Scherer and Callister.

Roll call on Assembly Bill No. 442:

YEAS—42.

NAYS—None.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 454 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 741.

Bill read third time.

Remarks by Assemblymen Callister and Spriggs.

Roll call on Assembly Bill No. 741:

YEAS—38.

NAYS—McGaughey, Porter, Sader, Wendell Williams—4.

Assembly Bill No. 741 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 820.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 820:

YEAS—42.

NAYS—None.

Assembly Bill No. 820 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 822.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Haller, Carpenter, McGinness, Callister, Giunchigliani, Little and Pettyjohn.

Assemblyman Callister moved that Assembly Bill No. 822 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Callister.

Motion carried.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 348:

YEAS—20.

NAYS—Anderson, Bache, Bayley, Carpenter, Elliott, Freeman, Gibbons, Gregory, Haller, Hardy, Heller, Johnson, Kerns, Lambert, Little, McGaughey, Petrak, Pettyjohn, Spitler, Stout, Wong—21.

Not voting—Scherer.

Senate Bill No. 348 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 229, 258, 301, 442, 741, 820 and Assembly Concurrent Resolution No. 99 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 362.

Bill read third time.

Remarks by Assemblymen Spriggs, Carpenter, Freeman and Porter.

Roll call on Senate Bill No. 362:

YEAS—42.

NAYS—None.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 348 was this day refused passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 419.
Bill read third time.
Remarks by Assemblyman Spriggs.
Roll call on Senate Bill No. 419:
YEAS—42.
NAYS—None.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 473.
Bill read third time.
Remarks by Assemblymen Myrna Williams, Stout and Humke.
Roll call on Senate Bill No. 473:
YEAS—40.
NAYS—Little, Wong—2.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 596.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Senate Bill No. 596:
YEAS—41.
NAYS—Carpenter.

Senate Bill No. 596 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 611.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Senate Bill No. 611:
YEAS—40.
NAYS—Pettyjohn, Scherer—2.

Senate Bill No. 611 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 728.
Bill read third time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 1463.
Amend the bill as a whole by adding a new section designated sec. 63.7, following sec. 63.5, to read as follows:
"Sec. 63.7. Section 340 of Assembly Bill No. 655 of this session is hereby amended to read as follows:

Sec. 340. NRS 232.250 is hereby amended to read as follows:

232.250 The director:

1. Shall appoint, with the consent of the governor, a chief of each of the divisions of the department. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The director shall consult the state fire marshal's advisory board and appoint the state fire marshal from the list of candidates presented by the board. The chief of the consumer affairs division is the commissioner of consumer affairs, the chief of the division of financial institutions is the commissioner of financial institutions, the chief of the housing division is the administrator of the housing division, the chief of the manufactured housing division is the administrator of the manufactured housing division, the chief of the real estate division is the real estate administrator, the chief of the state fire marshal division is the state fire marshal and the chief of the division of unclaimed property is the administrator of unclaimed property.

2. Is responsible for the administration through the divisions of the department of the provisions of Titles 55 and 56 of NRS, chapters 319, 599B and 645 of NRS, and NRS 598.360 to 598.640, inclusive, and for the administration directly or through a division of all other provisions of law relating to the functions of the department. The director may, if he deems it necessary to carry out his administrative responsibilities, be considered as a member of the staff of any division of the department for the purpose of budget administration or for the performance of any duty or the exercise of any power with respect to the division.

3. May, within the limits of the financial resources made available to him, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to [NRS 81.350 to 81.400, inclusive,] *chapter 82 of NRS,* which he determines is necessary or convenient for the exercise of the powers and duties of the department. The purposes, powers and operation of the corporation must be consistent with the purposes, powers and duties of the department.

4. For any bonds which he is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 532 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 316 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Joint Resolution No. 21 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 561, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

| | |
|---|---|
| ROBERT M. SADER | ERNEST E. ADLER |
| BERNIE ANDERSON | RONALD V. COOK |
| JOSEPH JOHNSON | JOSEPH M. NEAL, JR. |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 561.

Remarks by Assemblyman Sader.

Motion carried.

### RECEDE FROM ASSEMBLY AMENDMENTS

*Mr. Speaker:*

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

It has agreed to recommend that Assembly Amendment No. 757 be receded from.

| | |
|---|---|
| SCOTT SCHERER | DINA TITUS |
| ROBERT M. SADER | RONALD V. COOK |
| WILLIAM A. PETRAK | ERNEST E. ADLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Scherer moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 68.

Remarks by Assemblyman Scherer.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Joint Resolution No. 21.

Resolution read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1474.

Amend the resolution, page 2, line 28, by deleting "*a site*" and inserting: "*one or more sites*".

Amend the resolution, page 2, line 32, after "*site*" by inserting "*or sites*".

Amend the title of the resolution by deleting the fourth line and inserting: "area in this state to a site or sites designated by the legislature.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to authorize reduction in tax on property of business or industry that locates its hazardous operations at site or sites designated by legislature. (BDR C-2161)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Anderson and Freeman.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 532.

Bill read third time.

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1188.

Amend sec. 2, page 2, by deleting lines 25 and 26 and inserting: "aggrieved party receives notice of the decision.".

Amend sec. 2, page 2, line 27, by deleting "5.]" and inserting "[5.]".

Amend sec. 2, page 2, line 31, by deleting "is presumed" and inserting: "shall be deemed".

Amend sec. 4, page 3, line 10, after "board" by inserting: "or the hearing examiner".

Amend sec. 4, page 3, line 14, by deleting: "of the board." and inserting: "conducted by the board or the hearing examiner.".

Amend sec. 4, page 3, by deleting line 19 and inserting: "presented to the board or the hearing examiner, the board or the hearing examiner may modify the decisions and orders as the".

Amend sec. 4, page 3, line 28, by deleting "board," and inserting: "board or the hearing examiner,".

Amend sec. 4, page 3, line 33, by deleting "board;" and inserting: "board or the hearing examiner;".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Sections 2 and 4 of this act become effective at 12:01 a.m. on October 1, 1991.".

Amendment No. 1472.

Amend sec. 5, page 4, line 15, after "*inclusive.*" by inserting: "*The board may not petition for judicial review.*".

Assemblyman Scherer moved the adoption of the amendments.

Remarks by Assemblyman Scherer.

Amendments adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 316.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 316:

YEAS—30.

NAYS—Bayley, Gibbons, Goetting, Gregory, Hardy, Heller, Kerns, Lambert, Little, Scherer, Spriggs, Wong—12.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Price moved that the Assembly do not recede from its action on Senate Bill No. 329, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Price.
Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Price, Myrna Williams and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 329.

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 89; Senate Bills Nos. 152, 153, 339, 342, 344, 369, 472, 506, 516, 570, 576, 578, 594, 615, 620, 623, 637; Senate Joint Resolutions Nos. 20, 25.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 26, 1991 at 11:00 a.m.
Motion carried.

Assembly adjourned at 5:27 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-SEVENTH DAY

CARSON CITY (Wednesday), June 26, 1991

Assembly called to order at 11:26 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our most excellent Creator, we know that sometimes the road is hard and that there will be times of sorrow and failure. Help us not to dwell on these but to see also the times of good and joy and success. We pray for these traits as we try to end this legislative session. We ask these things in the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Assembly Bill No. 782, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Transportation, to which were referred Assembly Bill No. 819; Senate Bills Nos. 321, 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 758.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 25, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 183, 197, 198, 292, 437, 444, 631, 639.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 255, 270, 652, 779, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 561.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 646.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 555, 602, 641.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 335, 497, 591.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Shaffer, Getto and Rhoads as a first Committee on Conference concerning Senate Bill No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Cook, Titus and O'Connell as a first Committee on Conference concerning Senate Bill No. 166.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 68.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 555.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 602.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 641.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 646.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Senate Bill No. 293 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 192 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 540 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 638 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 295, 296, 303, 807, 815 and 818 be taken from their positions on the General File and placed on the General File for the afternoon session.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 212, 586, 714, 728; Senate Bills Nos. 84, 416, 532, 547, 574 and Senate Joint Resolution No. 21 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 823.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 823:

YEAS—42.

NAYS—None.

Assembly Bill No. 823 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Senate Bill No. 348 was refused passage be reconsidered.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 548.

Bill read third time.

Remarks by Assemblymen Price, Giunchigliani, Pettyjohn and Humke.

Roll call on Senate Bill No. 548:

YEAS—42.

NAYS—None.

Senate Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 644.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Senate Bill No. 644:

YEAS—42.

NAYS—None.

Senate Bill No. 644 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblymen Bennett and Evans.

Assemblyman Myrna Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. S.B. No. 293 expresses the public policy that a state officer or employee is encouraged to disclose to the extent not expressly prohibited by law, improper governmental action. It further expresses the Legislature's intent to protect the rights of a state officer or employee who makes such a disclosure.

The bill specifies that one state officer or employee may not use the provisions of the act to harass another officer or employee. The measure also affirms that its provisions do not prohibit a state officer or employee from initiating disciplinary procedures against another officer or employee who discloses untruthful information concerning improper governmental action.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I also rise in support of S.B. No. 293. This is a significant piece of legislation. It has been before us before. Those of you who were here last term remember how hard Jim Spinello worked on this bill. This was Jim Spinello's bill. It was killed in the Senate. To the freshmen, you will see this happen frequently. We have good legislation go through this house, doesn't go anywhere in the other house, and guess what, it comes back the next time with their jacket on it. I hope you will support it. I will be thinking of Jim Spinello when I vote yes.

Roll call on Senate Bill No. 293:

YEAS—42.

NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by Assemblyman Garner:

Amendment No. 963.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 1992.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 638.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 638:
YEAS—42.
NAYS—None.

Senate Bill No. 638 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Freeman.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 540.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1117.
Amend sec. 4, page 2, line 31, by deleting "$500,000" and inserting "$250,000".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 212.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Bill No. 212:
YEAS—40.
NAYS—Little.
Not voting—Marvel.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 586.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 586:
YEAS—42.
NAYS—None.

Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 714.

Bill read third time.

Remarks by Assemblymen Callister, Goetting, Humke, Price, Pettyjohn, Anderson and Porter.

Roll call on Assembly Bill No. 714:

YEAS—37.

NAYS—Goetting, Hardy, Heller, Pettyjohn, Stout—5.

Assembly Bill No. 714 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 728.

Bill read third time.

Remarks by Assemblymen Callister, Wong, Scherer, Myrna Williams and Giunchigliani.

Roll call on Assembly Bill No. 728:

YEAS—32.

NAYS—Bayley, Carpenter, Elliott, Goetting, Kerns, Little, Petrak, Pettyjohn, Spriggs, Wong—10.

Assembly Bill No. 728 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bills Nos. 84 and 532 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 416:

YEAS—41.

NAYS—Elliott.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 212, 586, 714, 728 and 823 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 547.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 547:
YEAS—34.
NAYS—Anderson, Elliott, Evans, Gibbons, Heller, Little, Marvel—7.
Not voting—Hardy.

Senate Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 574.
Bill read third time.
Remarks by Assemblymen Freeman, Little, Myrna Williams, Spriggs, Giunchigliani, Anderson, Krenzer, Price, Stout, Evans and Haller.
Assemblymen Arberry, Evans and Callister moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 574.
Roll call on Senate Bill No. 574:
YEAS—23.
NAYS—Bayley, Bergevin, Carpenter, Garner, Gibbons, Goetting, Gregory, Hardy, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Spriggs, Stout—18.
Not voting—Wong.

Senate Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 21.
Resolution read third time.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:39 p.m.

ASSEMBLY IN SESSION

At 1:22 p.m.
Mr. Speaker presiding.
Quorum present.

Remarks by Assemblymen Price, Anderson, Johnson, Humke and Myrna Williams.
Assemblymen Porter, McGaughey and Myrna Williams moved the previous question.
Motion carried.
The question being on the passage of Senate Joint Resolution No. 21.

Roll call on Senate Joint Resolution No. 21:

YEAS—29.

NAYS—Anderson, Elliott, Freeman, Haller, Humke, Johnson, Kerns, Lambert, Little, McGinness, Petrak, Pettyjohn, Wong—13.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblymen Callister, Pettyjohn, Krenzer, Goetting and Myrna Williams.

Roll call on Senate Bill No. 348:

YEAS—27.

NAYS—Bayley, Carpenter, Elliott, Gregory, Haller, Hardy, Heller, Johnson, Lambert, Little, Pettyjohn, Stout, Wong—13.

Not voting—Price, Scherer—2.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Remarks by Assemblymen Norton, Scherer, Johnson, Pettyjohn and Carpenter.

Assemblymen Arberry, Evans and Myrna Williams moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 328.

Roll call on Senate Bill No. 328:

YEAS—21.

NAYS—Anderson, Arberry, Bergevin, Elliott, Gibbons, Goetting, Haller, Hardy, Humke, Kerns, Lambert, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wendell Williams, Wong—20.

Not voting—Evans.

Senate Bill No. 328 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Senate Bills Nos. 247, 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bill No. 763; Senate Bill No. 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 540 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 763, 782, 819; Senate Bills Nos. 58, 247, 321, 529, 541, 621 and 631 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 311 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 540:

YEAS—39.

NAYS—Hardy, Lambert, Pettyjohn—3.

Assembly Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 311.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1475.

Amend section 1, page 1, line 4, by deleting "*amount,*" and inserting: "*amount or $7,500, whichever is less,*".

Amend section 1, page 1, line 9, by deleting "*section:*" and inserting: "*section must be:*".

Amend section 1, page 1, line 10, by deleting: "*Must be accounted*" and inserting "*Accounted*".

Amend section 1, page 1, line 11, by deleting: "*May be used*" and inserting "*Used*".

Amend sec. 3, page 2, by deleting lines 23 through 27 and inserting: "divisions of the department. In making the appointments, the director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the department, if any. The director shall consult".

Amend sec. 3, page 3, by deleting line 3 and inserting: "any nonprofit corporation, pursuant to chapter 82 of NRS,".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 763.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 782.

Bill read second time.

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

Amendment No. 1249.

Amend section 1, page 1, by deleting lines 18 and 19 and inserting: "*the county, other than the largest incorporated city. If the nominees so listed are unsatisfactory to the members*".

Amend section 1, page 2, line 25, by deleting "*commissions*" and inserting "*commissioners*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 819.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1467.

Amend the bill as a whole by deleting sections 1 through 3 and inserting: "Sections 1-3. (Deleted by amendment.)".

Amend sec. 4, page 3, line 5, by deleting: "*and the department*".

Amend sec. 4, page 3, by deleting line 18 and inserting: "3. Each hospital".

Amend sec. 4, page 3, by deleting lines 23 through 39 and inserting: "4. The county which receives a discharge form from a hospital for an".

Amend sec. 4, page 4, line 1, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 4, page 4, line 6, by deleting "[6.] *7.*" and inserting "6.".

Amend sec. 5, page 4, line 43, by deleting "*or 5*".

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

"An Act relating to costs of health care; authorizing a hospital to appeal a county's determination regarding the".

Amend the summary of the bill to read as follows:

"Summary—Authorizes administrative review of determination made by counties regarding indigent status of patients in hospitals. (BDR 40-448)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1473.

Amend sec. 6, page 1, line 21, by deleting: "*formal complaint is filed*" and inserting: "*disciplinary action is taken*".

Amend sec. 37, page 12, by deleting lines 44 through 46 and inserting: "ant to the Securities and Exchange Act of 1934 and which does not engage in professional engineering.] *corporation using such a term in its corporate name, if the corporation:*

*(a) Filed its articles of incorporation with the secretary of state on or before September 30, 1991; and*

*(b) Files with the board a written statement signed by a corporate officer under penalty of perjury in which he states that the corporation:*

*(1) Is not practicing or offering to practice engineering in this state; and*

*(2) Will not do so unless and until it is properly licensed or exempted in accordance with the provisions of this chapter.*".

Amend sec. 40, page 13, line 43, by deleting "in," and inserting: "in this state,".

Amend sec. 40, page 13, line 44, by deleting "principal" and inserting "registered".

Amend sec. 40, page 14, line 7, by deleting "capital".

Amend sec. 40, page 14, by deleting lines 9 through 11.

Amend sec. 43, page 15, line 9, by deleting "12:01" and inserting "12:02".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 321.
Bill read second time and ordered to third reading.

Senate Bill No. 529.
Bill read second time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 1465.
Amend section 1, page 1, by deleting lines 2 through 4 and inserting:
"628.045 1. [The] *Except as otherwise provided in subsection 2, the* governor shall appoint *to the board* six members who are certified public accountants in the State of Nevada and one member who is a registered public accountant in the State of Nevada. *Of the six*".
Amend section 1, page 1, line 8, by deleting "*Six*" and inserting "*Five*".
Assemblyman Bennett moved the adoption of the amendment.
Remarks by Assemblyman Bennett.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 541.
Bill read second time and ordered to third reading.

Senate Bill No. 621.
Bill read second time.
Assemblyman Elliott moved that Senate Bill No. 621 be taken from the Second Reading File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Elliott.
Motion carried.

Senate Bill No. 631.
Bill read second time and ordered to third reading.

Assemblyman Porter moved that the Assembly recess until 3:30 p.m.
Motion carried.

Assembly in recess at 2:07 p.m.

## ASSEMBLY IN SESSION

At 6:42 p.m.
Mr. Speaker presiding.
Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 602, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 763, 782, 819; Senate Bills Nos. 58, 247, 321, 529, 541 and 631 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 311 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 602 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 701.

The following Senate amendment was read:

Amendment No. 1308.

Amend the bill as a whole by adding thereto a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 286.130 is hereby amended to read as follows:

286.130 1. Three members of the board must be persons who:

(a) Have had at least 10 years of service as employees of the State of Nevada or its political subdivisions;

(b) Are not elected officers of the State of Nevada or its political subdivisions;

(c) Are active members of the system; and

(d) Are appointed from written nominations submitted by the following groups:

(1) Employees of the state and the University of Nevada System;

(2) The academic staff of school districts;

(3) Employees of cities, excluding Carson City;

(4) Employees of counties, including Carson City and excluding employees of county hospitals;

(5) Employees of county hospitals, public utilities, power districts, sanitation districts, classified school employees and employees of other districts as determined by the board; and

(6) Employees whose current positions entitle them to participate in the police and firemen's retirement fund.

Each nominee must be a member of the group or organization that is nominating him.

2. Two members of the board must be persons who:

(a) Have had at least 10 years of service as employees of the State of Nevada or its political subdivisions;

(b) Are not elected officers of the State of Nevada or its political subdivisions;

(c) Are active members of the system; and

(d) Are appointed from written nominations submitted by the following groups:

(1) Administrators of school districts or members of boards of trustees of school districts; and

(2) Members of boards of county commissioners or the governing bodies of cities or administrators of counties or cities.

3. One member of the board must be a person who:

(a) Is an employee of the State of Nevada or its political subdivisions with at least 10 years of service;

(b) Is serving in a position at least equivalent to the manager of a department or division;

(c) Is not an elected officer of the State of Nevada or its political subdivisions; and

(d) Is an active member of the system.

4. One member of the board must be a person who:

(a) Has had at least 10 years of service as an employee of the State of Nevada or its political subdivisions;

(b) Is not an elected officer of the State of Nevada or its political subdivisions; and

(c) Is receiving an allowance for service or disability retirement pursuant to this chapter.

5. A member of the board shall serve for 4 years, so long as he has the qualifications required by this section, and until his successor is appointed and takes office. *A member of the board who no longer has the qualifications specified in the subsection under which he was appointed may serve the remainder of his term if the member loses those qualifications in the final 18 months of his term.*".

Amend sec. 12, page 3, after line 48, by inserting:

"*(c) Any other employees who are authorized by the board to participate in the system and a federal retirement system.*".

Amend the title of the bill, third line, after "Code;" by inserting: "allowing a member of the public employees' retirement board to complete his term on the board if he loses the qualifications for membership near end of his term;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to public employees' retirement systems. (BDR 23-497)".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 701.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter requested that the record reflect Assemblyman Hardy excused for the remainder of the day.

Assemblyman Porter moved that Assembly Bills Nos. 295, 296, 303, 807, 815, 818 be taken from their position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 652.

The following Senate amendment was read:

Amendment No. 1376.

Amend the bill as a whole by deleting sections 14 and 15 and inserting:

"Secs. 14 and 15. (Deleted by amendment.)".

Amend sec. 16, page 7, line 2, by deleting the bracket.

Amend sec. 16, page 7, by deleting lines 4 and 5 and inserting: "residence within the county, the election".

Amend sec. 22, pages 9 and 10, by deleting lines 40 through 47 on page 9 and lines 1 through 18 on page 10, and inserting:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 29, page 13, line 45, by deleting "*and*" and inserting "*or*".

Amend sec. 29, page 14, by deleting lines 1 through 3.

Amend sec. 30, page 14, by deleting lines 23 through 34 and inserting:

"Sec. 30. (Deleted by amendment.)".

Amend sec. 36, page 16, line 2, by deleting "$50,000" and inserting "$35,000".

Amend sec. 39, page 16, line 13, by deleting "July" and inserting "January".

Amend the title of the bill by deleting the seventh and eighth lines and inserting: "vote from 2 years to 4 years; making an appropriation; providing a penalty; making".

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 652.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

The following Senate amendment was read:

Amendment No. 977.

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

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

*The legislative counsel shall, upon request, disclose the name of the legislator who has requested the preparation of a measure through a standing or special committee of the legislature if:*

*1. The measure is introduced in the legislature; or*

*2. The legislator requests that his name be disclosed as the requester of the measure.*

Sec. 2. NRS 218.240 is hereby amended to read as follows:

218.240 1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation and amendment of legislative measures when requested or upon suggestion as provided in NRS 218.240 to 218.255, inclusive [.] *, and section 1 of this act.*

2. The legislative counsel shall give consideration to and service concerning any measure before the legislature which is requested by the governor, the senate or assembly, or any committee of the legislature having the measure before it for consideration.

3. The legislative counsel may deliver to the superintendent of the state printing and micrographics division of the department of general services and request that he print or preset the type for printing a legislative measure before its introduction upon the consent of the person or persons requesting the measure. If the measure has been requested by a legislator, the superintendent shall promptly comply with this request.

Sec. 3. NRS 218.625 is hereby amended to read as follows:

218.625 1. The director, other officers and employees of the legislative counsel bureau shall not:

(a) Oppose or urge legislation, except as the duties of the director, the legislative auditor, the legislative counsel, the research director and the fiscal analysts require them to make recommendations to the legislature.

(b) Except as otherwise provided in this section , [and] NRS 218.2475, *and section 1 of this act,* disclose to any person outside the legislative counsel bureau the contents or nature of any matter, unless the person entrusting the matter to the legislative counsel bureau so requests or consents.

2. Except as the legislative auditor and his staff are further restricted by this chapter, the nature or content of any work previously done by the personnel of the legislative counsel bureau may be disclosed to a legislator or public agency if or to the extent that the disclosure does not reveal the identity of the person who requested it or include any material submitted by the requester which has not been published or publicly disclosed.

3. When a statute has been enacted or a resolution adopted, the legislative counsel shall upon request disclose to any person the state or other jurisdiction from whose law it appears to have been adopted.

4. The records of the travel expenses of legislators and officers and employees of the legislative counsel bureau are available for public inspection at such reasonable hours and under such other conditions as the legislative commission prescribes.

5. If a legislator asks whether a request for proposed legislation relating to a specific topic has been submitted to the legislative counsel for preparation, the legislative counsel shall disclose to that legislator whether such a request has been submitted.

6. Upon receipt of a request for the preparation of a measure to be submitted to the legislature which duplicates or closely resembles a request previously submitted for the same legislative session, the legislative counsel shall, to the extent practicable, notify the person submitting the duplicative request of that fact and, except as otherwise provided in this subsection, ask the person to withdraw the request. If the request is not withdrawn, the legislative counsel shall inform the previous requestor of the fact that a duplicative request has been made. If the request is submitted by a requester on his own behalf, and the previous request was submitted by a legislator who is a member of the other house of the legislature, the legislative counsel shall inform the second requester of the fact that the request is duplicative.".

Amend the title of the bill to read as follows:

"An Act relating to the state legislature; requiring the legislative counsel to disclose, under certain circumstances, the name of the requester of a legislative measure requested by or through a standing or special committee; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires legislative counsel to disclose, under certain circumstances, name of requester of legislative measure requested by or through committee. (BDR 17-1095)".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 270.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered enrolled.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 763.

Bill read third time.

Assemblyman Arberry moved that Assembly Bill No. 763 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assembly Bill No. 782.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 782:

YEAS—41.

NAYS—None.

Absent—Hardy.

Assembly Bill No. 782 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 819.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 819:
YEAS—40.
NAYS—None.
Absent—Hardy.
Not voting—Gregory.

Assembly Bill No. 819 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 58.
Bill read third time.
The following amendment was proposed by the Committee on Health and Welfare:
Amendment No. 1494.
Amend sec. 4, page 2, by deleting line 14 and inserting: "is the county of residence of that person before he was admitted to the hospital.".
Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:
"Sec. 6. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1991.".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 247.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 247:
YEAS—41.
NAYS—None.
Absent—Hardy.

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

Senate Bill No. 321.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 321:
YEAS—40.
NAYS—Mr. Speaker.
Absent—Hardy.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 529.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 529:
YEAS—41.
NAYS—None.
Absent—Hardy.

Senate Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 541.
Bill read third time.
Remarks by Assemblyman Arberry.

Assemblyman Stout moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 7:03 p.m.

ASSEMBLY IN SESSION

At 7:09 p.m.
Mr. Speaker presiding.
Quorum present.

Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 541:
YEAS—38.
NAYS—Gregory, Humke, Scherer—3.
Absent—Hardy.

Senate Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 631.
Bill read third time.
Remarks by Assemblyman Bergevin.
Roll call on Senate Bill No. 631:
YEAS—39.
NAYS—None.
Absent—Hardy.
Not voting—Gregory, Spitler—2.

Senate Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 311.
Bill read third time.
Remarks by Assemblyman Heller.

Roll call on Assembly Bill No. 311:

YEAS—40.

NAYS—Pettyjohn.

Absent—Hardy.

Assembly Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 602.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 602:

YEAS—33.

NAYS—Bayley, Gregory, Heller, Johnson, Lambert, Marvel, Scherer, Wong—8.

Absent—Hardy.

Senate Bill No. 602 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 808, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 763 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 808 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 808.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1490.

Amend sec. 2, page 2, by deleting lines 6 through 13 and inserting:

"4. Who did not apply for a deer tag for a hunting season commencing in 1991, pursuant to the normal procedure for the issuance of a deer tag.".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblymen McGinness and Gibbons.
Conflict of interest declared by Assemblyman Gibbons.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 763.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 763:
YEAS—40.
NAYS—None.
Absent—Hardy, Stout—2.

Assembly Bill No. 763 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 7:26 p.m.

ASSEMBLY IN SESSION

At 8:29 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 328 was this day refused passage.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 8:31 p.m.

ASSEMBLY IN SESSION

At 10:35 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 104, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 499, 537.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 190, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

| | |
|---|---|
| MYRNA T. WILLIAMS | RONALD V. COOK |
| ROBERT M. SADER | DINA TITUS |
| DAVID E. HUMKE | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 24.

Amend the bill as a whole by deleting sections 19 through 25 and adding new sections designated sections 19 through 21, to read as follows:

"Sec. 19. NRS 293.193 is hereby amended to read as follows:

293.193 1. Fees as listed in this section for filing declarations of candidacy or acceptances of candidacy must be paid to the filing officer by cash, cashier's check or certified check.

| | | |
|---|---|---|
| United States Senator | [$250] | *$500* |
| Representative in Congress | [150] | *300* |
| Governor | [150] | *300* |
| Justice of the supreme court | [150] | *300* |
| Any state office, other than governor or justice of the supreme court | [100] | *200* |
| District judge | [75] | *150* |
| Justice of the peace | [50] | *100* |
| Any county office | [40] | *100* |
| State senator | [30] | *100* |
| Assemblyman | [15] | *100* |
| Any district office other than district judge | [15] | *30* |
| Constable or other town or township office | [10] | *30* |

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. No filing fee may be required from a candidate for an office the holder of which receives no compensation.

3. The county clerk shall pay to the county treasurer all filing fees received by him from candidates. The county treasurer shall deposit *one-half of* the money to the credit of the general fund of the county [.] *and transfer the remainder to the state treasurer for deposit in the state general fund.*

Sec. 20. The commission on ethics shall, by January 1, 1993, prepare and distribute a pamphlet containing appropriate definitions, guidelines and examples of appropriate and inappropriate conduct to assist public officers and public employees in carrying out and complying with the provisions of NRS 281.411 to 281.581, inclusive.

Sec. 21. Section 19 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the bill as a whole by renumbering sec. 26 as sec. 22.

Amend the title of the bill by deleting the third and fourth lines and inserting: "subpenas; increasing the filing fees for elected office; providing for financial".

Assemblyman Myrna Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 190.

Remarks by Assemblymen Myrna Williams and Wong.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 535 and 559 be placed on the Second Reading File.

Motion carried.

## SECOND READING AND AMENDMENT

Assembly Bill No. 535.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 489.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

*Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:*

*1. To facilitate the unlawful killing or possession of any wildlife other than fish; or*

*2. To transport, sell, receive, acquire or purchase any wildlife, other than fish, which is unlawfully killed or possessed,*

*is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 9 and adding new sections designated sections 3 through 8, following section 1, to read as follows:

"Sec. 3. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and NRS 488.1793;

(c) Remittances from the state treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the legislature; and

(e) All other sources, *except money derived from the forfeiture of any property described in section 1 of this act,*

must be deposited with the state treasurer for credit to the wildlife account in the state general fund.

2. The interest and income earned on the money in the wildlife account, after deducting any applicable charges, must be credited to the account.

3. The department may use money in the wildlife account only to carry out the provisions of this Title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

Sec. 4. NRS 501.375 is hereby amended to read as follows:

501.375 1. Every game warden throughout the state, and every sheriff and constable in his respective county shall enforce this Title and seize any wildlife taken or held in possession in violation of this Title.

2. Such an officer may:

(a) With or without a warrant, conduct a reasonable search of any camp, structure, aircraft, vessel, vehicle, box, game bag or other package where he has reason to believe any wildlife taken or held in violation of any of the provisions of this Title is to be found, and, for the purpose of such a search, may detain any aircraft, vessel or vehicle for a reasonable time.

(b) Seize [, and hold only for evidence,] any such wildlife and any gun, ammunition, trap, snare, tackle, or other device or equipment whose presence indicates that a violation of this Title has occurred. *Except for property described in section 1 of this act, property seized pursuant to this subsection must be held only for evidence.*

3. A dwelling house may be searched only [in pursuance of] *pursuant to* a warrant.

Sec. 5. NRS 501.376 is hereby amended to read as follows:

501.376 [1.] Any person who unlawfully kills or possesses a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag is guilty of a gross misdemeanor. This [subsection] *section* does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.

[2. Any vessel, vehicle, aircraft or other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring or purchasing of wildlife in violation of subsection 1 for which a gross misdemeanor conviction is obtained is subject to forfeiture to the state if:

(a) The owner of the vessel, vehicle, aircraft or equipment was at the time of the violation a consenting party or privy thereto, or in the exercise of due care, should have known that such vessel, vehicle, aircraft or other equipment would be used in violation of subsection 1; and

(b) The violation involved the:

(1) Intent to sell or purchase wildlife;

(2) Offer to sell or purchase wildlife; or

(3) Sale or purchase of wildlife.]

Sec. 6. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this Title, every person who unlawfully kills or possesses [the following wildlife is liable for a civil penalty in the amount stated:

(a) Bighorn sheep, mountain goat, black bear and elk, $1,000.

(b) Pronghorn antelope, $600.

(c) Mountain lion and deer, $500.

(d) Bobcat, swan and eagle, $250.] *any wildlife other than fish is liable for a civil penalty of $2,500.*

2. For unlawful killing or possession of fish , [or wildlife not included in subsection 1,] the court may order the defendant to pay a civil penalty of not less than $25 nor more than $1,000.

3. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each animal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

4. The department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

5. Each court that receives money under the provisions of this section shall forthwith remit the money to the department which shall deposit the money with the state treasurer for credit to the wildlife account in the state general fund.

Sec. 7. NRS 501.388 is hereby amended to read as follows:

501.388 1. The commission [may:

(a) Revoke] *:*

*(a) May revoke* any license of any person who is convicted of a violation of NRS 503.050, in addition to the penalty imposed, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; [and

(b) Revoke]

*(b) Except as otherwise provided in paragraph (c), may revoke* any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag, in addition to the penalty imposed, and may refuse to issue any new license to the convicted person for any period not to exceed 3 years after the date of the conviction [.] *; and*

*(c) Shall revoke any hunting or trapping license of any person who is convicted of unlawfully killing or possessing any wildlife other than fish, in addition to the penalty imposed, and shall refuse to issue any new hunting or trapping license to the convicted person at any time.*

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the commission.

Sec. 8. NRS 501.389 is hereby amended to read as follows:

501.389 1. [Equipment seized] *Except for property described in section 1 of this act, equipment:*

*(a) Seized* as evidence in accordance with NRS 501.375 *;* and [not]

*(b) Not* recovered by the owner within 1 year from the date of seizure , [or equipment ordered confiscated by a court of competent jurisdiction] becomes the property of the department.

2. The department of wildlife must either sell such equipment in accordance with the regulations adopted pursuant to subsection 5 of NRS 333.220 or retain such equipment for authorized use by the department. All money received from such sales must be deposited with the state treasurer for credit to the wildlife account in the state general fund.

3. Any person of lawful age and lawfully entitled to reside in the United States may purchase the equipment, whether a prior owner or not.".

Amend the bill as a whole by renumbering sec. 3 as sec. 19 and adding new sections designated sections 10 through 18, following sec. 2, to read as follows:

"Sec. 10. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760 or 453.301 [.] , *or section 1 of this act.*

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge or consent of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that he had good cause not to evict the tenant summarily pursuant to NRS 40.254,

the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the

property or mobile home is disputably presumed to have acquired his interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 11. NRS 179.1187 is hereby amended to read as follows:

179.1187 1. The governing body controlling each law enforcement agency that receives proceeds from the sale of forfeited property shall establish with the state treasurer, county treasurer, city treasurer or town treasurer, as custodian, a special account, known as the "..... forfeiture account." The account is a separate and continuing account and no money in it reverts to the state general fund or the general fund of the county, city or town at any time. For the purposes of this subsection, the governing body controlling a metropolitan police department is the metropolitan police committee on fiscal affairs.

2. The money in the account may be used for any lawful purpose deemed appropriate by the chief administrative officer of the law enforcement agency, except that:

(a) The money must not be used to pay the ordinary operating expenses of the agency.

(b) Money derived from the forfeiture of any property described in NRS 453.301 must be used to enforce the provisions of chapter 453 of NRS.

*(c) Money derived from the forfeiture of any property described in section 1 of this act must be used to enforce the provisions of Title 45 of NRS.*

Sec. 12. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, invasion of the home, grand larceny or pandering, or a violation of NRS 200.465, 202.265, 202.287 or 465.070 to 465.085, inclusive, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 [,] *or section 1 of this act,* all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

No person, other than the holder of a community property interest, whose

name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.

Sec. 13. Section 3 of chapter 123, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 3. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760 or 453.301, or section 1 of Assembly Bill No. 535 of this session.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge ,[or] consent *or willful blindness* of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that he had good cause not to evict the tenant summarily pursuant to NRS 40.254,

the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired his interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 14. Section 4 of chapter 123, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 4. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, invasion of the home, grand larceny or pandering, or a violation of NRS 200.465, 202.265, 202.287 or 465.070 to 465.085, inclusive, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or section 1 of Assembly Bill No. 535 of this session, all conveyances, including aircraft, vehicles or vessels, which are used or

intended for use during the commission of a felony or a violation of NRS 202.287 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge [or consent;] , *consent or willful blindness;* and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

[No person, other than the holder of a community property interest, whose name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.]

Sec. 15. Section 10 of chapter 139, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 10. NRS 501.181 is hereby amended to read as follows:

501.181 The commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game [animals,] *mammals,* upland and migratory game birds, fur-bearing [animals,] *mammals,* game fish, and protected and unprotected [animals,] *mammals,* birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife . [; the]

*(d) The* entry, access to, and occupancy and use of such property, including leases of grazing rights [; sale] , *sales* of agricultural products [;] and requests by the director to the state land registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

[(d)] *(e)* The control of nonresident hunters.

[(e)] *(f)* The introduction, transplanting or exporting of wildlife.

[(f)] *(g)* Cooperation with federal, state and local agencies on wildlife and boating programs.

[(g)] *(h)* The hunting, fishing or trapping privileges of any person convicted of two violations *of the provisions of this Title* within a 5-year period.

4. Establish regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including:

(a) Regular and special seasons for hunting game [animals] *mammals* and game birds, for hunting or trapping fur-bearing [animals] *mammals* and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued to nonresidents for big game and, if necessary, other game species for the regular and special seasons.

5. Adopt regulations requiring the department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

Sec. 16. Section 11 of chapter 139, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 11. NRS 501.375 is hereby amended to read as follows:

501.375 1. Every game warden , [throughout the state, and every] sheriff and [constable in his respective county] *other peace officer of this state and its political subdivisions* shall enforce *the provisions of* this Title and seize any wildlife taken or held in possession in violation of [this Title.] *those provisions.*

2. Such an officer may:

(a) With or without a warrant, conduct a reasonable search of any camp, structure, aircraft, vessel, vehicle, box, game bag or other package where he

has reason to believe any wildlife taken or held in violation of any of the provisions of this Title is to be found, and, for the purpose of such a search, may detain any aircraft, vessel or vehicle for a reasonable time.

(b) Seize any such wildlife and any gun, ammunition, trap, snare, tackle, or other device or equipment whose presence indicates that a violation of *any provision of* this Title has occurred. Except for property described in section 1 of Assembly Bill No. 535 of this session, property seized pursuant to this subsection must be held only for evidence.

3. A dwelling house may be searched only pursuant to a warrant.

Sec. 17. Section 13 of chapter 139, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 13. NRS 501.3855 is hereby amended to read as follows:

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this Title, every person who unlawfully kills or possesses any wildlife other than fish is liable for a civil penalty of $2,500.

2. For unlawful killing or possession of fish, the court may order the defendant to pay a civil penalty of not less than $25 nor more than $1,000.

3. *For hunting, fishing or trapping without a valid license, tag or permit, the court may order the defendant to pay a civil penalty of not less than $50 nor more than $250.*

*4.* Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each [animal,] *mammal,* bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

[4.] *5.* The department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

[5.] *6.* Each court that receives money [under] *pursuant to* the provisions of this section shall forthwith remit the money to the department which shall deposit the money with the state treasurer for credit to the wildlife account in the state general fund.

Sec. 18. Section 14 of chapter 139, Statutes of Nevada 1991, is hereby repealed.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 3, to read as follows:

Sec. 14. NRS 501.388 is hereby amended to read as follows:

501.388 1. The commission may:

(a) Revoke any license of any person who is convicted of a violation of NRS 503.050, in addition to the penalty imposed, and may refuse to issue any new license to the convicted person for any period not to exceed 5 years after the date of the conviction; and

(b) Revoke any license of any person who is convicted of unlawfully killing or possessing a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag, in addition to the penalty imposed, and may [refuse] *:*

*(1) Refuse* to issue any new license to the convicted person for any period not to exceed 3 years [after the date of the conviction.] *; and*

*(2) Revoke that person's privilege to apply for any big game tag for a period not to exceed 10 years.*

2. The court in which the conviction is had shall require the immediate surrender of all such licenses and shall forward them to the commission."

Amend the title of the bill, first line, after "wildlife;" by inserting: "imposing additional penalties for the unlawful killing or possession of wildlife;".

Amend the summary of the bill, first line, after "Imposes" by inserting: "additional penalties for unlawful killing or possession of wildlife and imposes".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 559.

Bill read second time, ordered engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 295, 296, 303, 807, 815 and 818 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 104.

The following Senate amendment was read:

Amendment No. 1417.

Amend sec. 7, page 8, line 21, by deleting: "*subsections 2 and 3:*" and inserting "*subsection 2:*".

Amend sec. 7, page 8, line 27, after "*counties*" by inserting: "*and from out-of-state businesses,*".

Amend sec. 7, page 8, lines 36 and 37, by deleting: "*an amount determined by:*

*(1) Apportioning*".

Amend sec. 7, pages 8 and 9, by deleting lines 42 through 48 on page 8 and lines 1 through 5 on page 9 and inserting "*paragraph.*".

Amend sec. 15, page 17, by deleting lines 7 through 28 and inserting: "Sec. 15. (Deleted by amendment.)".

Amend sec. 22, page 23, lines 12 and 13, by deleting: "month:

1. Make" and inserting "month make".

Amend sec. 22, page 23, by deleting lines 28 through 44.

Amend sec. 23, page 24, by deleting lines 4 through 8 and inserting:

| | |
|---|---|
| "Carson City | $93,943 |
| Churchill | 57,881 |
| Clark | 187,047 |
| Elko | 257,394 |
| Humboldt | 97,414 |
| Lander | 4,134". |

Amend sec. 23, page 24, by deleting line 16.

Amend sec. 23, page 24, line 23, by deleting "435,748" and inserting "697,813".

Amend sec. 24, page 24, by deleting lines 26 through 48 and inserting:

"Sec. 24. For the fiscal year 1992-1993, after determining the amount of the distributions required by NRS 377.057, as amended by this act, each month, the state controller shall:

1. Reduce the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $57,113 |
| Churchill | 56,681 |
| Elko | 133,738 |
| Humboldt | 84,092 |
| Lander | 4,134 |

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Clark | $187,276 |
| Washoe | 148,482". |

Amend the bill as a whole by adding new sections designated sections 24.1, 24.2 and 24.3, following sec. 24, to read as follows:

"Sec. 24.1. For the fiscal year 1993-1994, after determining the amount of the distributions required by NRS 377.057, as amended by this act, each month, the state controller shall:

1. Reduce the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $42,835 |
| Churchill | 42,511 |
| Elko | 100,303 |
| Humboldt | 63,069 |
| Lander | 3,100 |

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Clark | $186,825 |
| Washoe | 64,993 |

Sec. 24.2. For the fiscal year 1994-1995, after determining the amount of the distributions required by NRS 377.057, as amended by this act, each month, the state controller shall:

1. Reduce the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $28,557 |
| Churchill | 28,342 |
| Elko | 66,868 |
| Humboldt | 42,046 |
| Lander | 2,066 |

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Clark | $902 |
| Washoe | 166,977 |

Sec. 24.3. For the fiscal year 1995-1996, after determining the amount of the distributions required by NRS 377.057, as amended by this act, each month, the state controller shall:

1. Reduce the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Carson City | $14,278 |
| Churchill | 14,170 |
| Elko | 33,435 |
| Humboldt | 21,023 |
| Lander | 1,033 |

2. Increase the distributions by the amounts indicated for each of the following counties:

| | |
|---|---|
| Clark | $451 |
| Washoe | 83,488". |

Amend sec. 24.5, page 25, line 3, by deleting "and 24" and inserting: "to 24.3, inclusive,".

Amend the bill as a whole by deleting sections 27 through 33.6, renumbering sections 34 through 38 as sections 39 through 43 and adding new sections designated sections 27 through 38, following sec. 26, to read as follows:

"Sec. 27. Sections 27 to 38, inclusive, of this act constitute the Local Government Tax Act of 1991.

Sec. 28. 1. A tax distribution fund must be created in the state treasury for each county that imposes or levies any tax pursuant to the provisions of sections 29 to 33, inclusive, or section 37 of this act.

2. All interest and income earned on the money in the fund must be credited to the fund after deducting any applicable charges.

3. The state controller shall distribute the money in the fund monthly among the several local governments in the county that are eligible to receive a distribution of the revenue from the supplemental city-county relief tax, including the county, in the proportion which the basic ad valorem revenue of each local government bears to the total basic ad valorem revenue of all these local governments.

4. As used in this section, "basic ad valorem revenue" has the meaning ascribed to it in NRS 377.057.

Sec. 29. 1. Except as otherwise provided in section 34 of this act and in addition to all other sales and use taxes, the board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to ¼ of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the county.

2. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

3. The ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) Provisions substantially identical to those of the Local School Support Tax Law, insofar as applicable.

(b) A provision that all amendments to the provisions of the Local School Support Tax Law subsequent to the date of enactment of the ordinance, not inconsistent with this section, automatically become a part of the ordinance enacted pursuant to subsection 1.

(c) A provision that the county shall contract before the effective date of the ordinance enacted pursuant to subsection 1 with the department to perform all functions incident to the administration or operation of the tax imposed pursuant to subsection 1.

4. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the county under this section must be paid to the department of taxation in the form of remittances made payable to the department of taxation.

5. The department of taxation shall deposit the payments with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 30. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on the valuation of vehicles, the board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a special privilege tax of 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the motor vehicle privilege tax pursuant to this chapter; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. The department of motor vehicles and public safety shall deposit the proceeds of the tax imposed pursuant to subsection 1 with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

3. As used in this section "based" has the meaning ascribed to it in NRS 482.011.

Sec. 31. 1. Except as otherwise provided in section 34 of this act, notwithstanding the provisions of NRS 463.395 and in addition to all other fees and taxes imposed on gaming, the board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a license fee for conducting, carrying on or operating any gambling game, slot machine or other game of chance.

2. The total amount of revenue estimated to result for any fiscal year from the imposition of a license fee pursuant to the provisions of this section must not exceed the total amount of revenue estimated to result for the same year from the imposition of all taxes imposed in the county pursuant to sections 29 to 33, inclusive, or section 37 of this act, multiplied by a fraction, the numerator of which is the total gaming license fees collected by all local governments in the county, including the county, for the fiscal year 1990-1991, and the denominator of which is the general fund revenues of the county and any incorporated cities in the county for the fiscal year 1990-1991.

3. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

4. The proceeds of the tax imposed pursuant to this section must be deposited with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 32. 1. Except as otherwise provided in section 34 of this act and in addition to all other taxes imposed on transfers of real property, the board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City may by ordinance, but not as in a case of emergency, impose a tax at the rate of up to 10 cents for each $500 of value or fraction thereof on each deed by which any lands, tenements or other realty is granted, assigned, transferred or otherwise conveyed to, or vested in, another person, if the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining on the interest of property at the time of sale, exceeds $100. The amount of tax must be computed on the basis of the value of the transferred real property as declared pursuant to NRS 375.060.

2. The ordinance imposing the tax must include:

(a) Provisions substantially identical to those contained in chapter 375 of NRS, insofar as applicable; and

(b) A provision that all amendments to chapter 375 of NRS after the date of enactment of the ordinance, not inconsistent with the chapter, automatically become a part of the ordinance imposing the tax.

3. The tax imposed pursuant to this section applies throughout the county, including incorporated cities in the county.

4. The proceeds of the tax must be deposited with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 33. 1. Except as otherwise provided in section 34 of this act, the board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City may levy a tax ad valorem on the assessed valuation of all taxable property in the county.

2. The provisions of NRS 354.59811 do not apply to a tax levied pursuant to the provisions of this section and the tax must not be considered in determining the allowed revenue from taxes ad valorem for the county or any local government therein.

3. Notwithstanding the provisions of NRS 279.676, no portion of the taxes levied pursuant to this section may be distributed to a redevelopment agency.

4. The county treasurer shall deposit the proceeds of the tax levied pursuant to the provisions of this section monthly with the state treasurer for credit to the tax distribution fund for the county in which it was collected.

Sec. 34. The governing body of any county in which one or more of the taxes authorized by sections 29 to 33, inclusive, of this act have been or will be imposed or levied:

1. Shall adopt a plan to replace the reduction in the amount of proceeds of the supplemental city-county relief tax estimated for that county pursuant to section 35 of this act on or before September 1, 1991, if the tax is to be imposed or levied for fiscal year 1991-1992 and on or before May 31 of the immediately preceding fiscal year if the tax is to be imposed or levied for fiscal years 1992-1993 through 1995-1996. The plans may include one or more of the taxes authorized by sections 29 to 33, inclusive, of this act, but the total amount of revenue estimated to result from all taxes imposed or levied pursuant to sections 29 to 33, inclusive, of this act must not exceed the estimate of the reduction in the amount of proceeds of the supplemental city-county relief tax estimated for that county pursuant to section 35 of this act for the fiscal year during which the plan is to be in effect.

2. May revise the plans adopted pursuant to subsection 1 for the fiscal years 1992-1993 through 1996-1997 on or before the May 31 immediately preceding the fiscal year during which the plan is to be in effect.

3. Shall not, after June 30, 1996, impose, levy or continue any of the taxes authorized by sections 29 to 33, inclusive, of this act.

Sec. 35. The legislature hereby finds and declares that the following amounts specified for each county estimate fairly the amount by which the proceeds of the supplemental city-county relief tax were reduced during the revision of the formula for the distribution of the supplemental city-county relief tax:

1. For fiscal year 1991-1992:

| | |
|---|---|
| Carson City | $342,678 |
| Churchill | 340,084 |
| Elko | 802,427 |
| Humboldt | 504,554 |
| Lander | 24,803 |

2. For fiscal year 1992-1993:

| | |
|---|---|
| Carson City | $685,356 |
| Churchill | 680,168 |
| Elko | 1,604,854 |
| Humboldt | 1,009,107 |
| Lander | 49,606 |

3. For fiscal year 1993-1994:

| | |
|---|---|
| Carson City | $514,017 |
| Churchill | 510,126 |
| Elko | 1,203,641 |
| Humboldt | 756,830 |
| Lander | 37,205 |

4. For fiscal year 1994-1995:

| | |
|---|---|
| Carson City | $342,678 |
| Churchill | 340,084 |
| Elko | 802,427 |
| Humboldt | 504,554 |
| Lander | 24,803 |

5. For fiscal year 1995-1996:

| | |
|---|---|
| Carson City | $171,339 |
| Churchill | 170,042 |
| Elko | 401,214 |
| Humboldt | 252,277 |
| Lander | 12,402 |

Sec. 36. 1. As soon as practicable after the effective date of this act, the executive director of the department of taxation shall make an estimate of the difference between the total amount of revenue from the proceeds of the supplemental city-county relief tax that would be distributed to the local governments in Washoe County, including the county, without the provisions of this act for the fiscal years 1991-1992 through 1996-1997 and the total amount of that revenue that he estimates will be distributed to the county pursuant to the provisions of this act.

2. The department of taxation shall provide to the board of county commissioners of Churchill, Elko, Humboldt, Lander and Washoe counties and the board of supervisors of Carson City, any estimate that is requested by the board and necessary to carry out the provisions of this act.

Sec. 37. 1. On or before September 1, 1991, for fiscal year 1991-1992 and on or before May 31 of each succeeding year through June 30, 1996, for the immediately succeeding fiscal year, the board of county commissioners of Washoe County shall impose the taxes authorized by sections 29, 30 and 31 of this act in the same manner as provided in those sections except that:

(a) The ordinance imposing the taxes may be adopted in the manner provided for emergencies; and

(b) Each tax must be imposed at the maximum rate authorized in those sections.

2. Except as otherwise provided in subsection 3, for fiscal years 1992-1993 through 1996-1997, the board of county commissioners of Washoe County may:

(a) Impose the tax authorized by section 32 of this act up to the maximum allowed by that section and in the manner provided by that section; and

(b) Levy the tax authorized by section 33 of this act in the manner provided by that section.

3. The total amount of revenue estimated to result from the imposition of all taxes imposed or levied pursuant to subsection 2, when added to the revenue estimated to result from the taxes imposed pursuant to subsection 1, must not exceed the estimate made by the department of taxation of the reduction in the amount of proceeds of the supplemental city-county relief tax estimated for that county pursuant to subsection 1 of section 36 of this act.

4. Except as otherwise specifically provided in this section, the corresponding provisions of sections 29 to 33, inclusive, of this act concerning a tax authorized by one of those sections apply to the same kind of tax imposed or levied pursuant to the provisions of this section.

Sec. 38. 1. On or before May 31, 1994, the department of taxation shall make an estimate of the total amount of proceeds that will be derived in Washoe County from each of the taxes imposed or levied pursuant to section 37 of this act for fiscal year 1994-1995.

2. On or before June 30, 1994, using the estimate prepared pursuant to subsection 1, the board of county commissioners of Washoe County shall reduce the rate of one or both of the taxes imposed or levied pursuant to subsection 2 of section 37 of this act if necessary to maintain the estimated revenue from all taxes imposed or levied pursuant to sections 29 to 33, inclusive, of this act at or below an amount equal to $2,225,664 less than the amount determined for the fiscal year 1994-1995 pursuant to subsection 1 of section 36 of this act.

3. The board of county commissioners of Washoe County shall not, after June 30, 1996:

(a) Except as otherwise provided in subsection 4, decrease any of the taxes imposed pursuant to section 37 of this act unless all of the local governments that are entitled to receive a monthly distribution from the tax distribution fund for the county agree to the decrease.

(b) Increase the rate of any tax imposed pursuant to section 37 of this act.

4. If necessary to avoid violating the provisions of subsection 2 of section 31 of this act, the board of county commissioners of Washoe County shall reduce the amount of the license fee imposed pursuant to section 37 of this act by the minimum amount necessary to comply with the provisions of subsection 2 of section 31 of this act.".

Amend sec. 34, page 29, by deleting line 23 and inserting: "ceeds is appropriated.".

Assemblyman Price moved that the Assembly concur in Senate Amendment No. 1417 to Assembly Bill No. 104.

Remarks by Assemblymen Price, Carpenter, McGinness, Anderson and Haller.

Motion carried.

The following Senate Amendment was read:

Amendment No. 1485.

Amend sec. 28, page 25, line 22, by deleting "or section 37".

Amend sec. 29, page 25, line 35, by deleting "Humboldt" and inserting "Humboldt, Washoe".

Amend sec. 30, page 26, line 16, by deleting "Humboldt" and inserting "Humboldt, Washoe".

Amend sec. 31, page 26, line 33, by deleting "Humboldt" and inserting "Humboldt, Washoe".

Amend sec. 31, page 26, line 41, by deleting "or section 37".

Amend sec. 32, page 27, line 6, by deleting "Humboldt" and inserting "Humboldt, Washoe".

Amend sec. 33, page 27, line 27, by deleting "Humboldt" and inserting "Humboldt, Washoe".

Amend sec. 33, page 27, line 30, after "2." by inserting: "Before levying a tax pursuant to the provisions of subsection 1, the governing body shall hold a public hearing to allow members of the public to present their opinions concerning the tax. The governing body shall publish notice of the hearing not less than 5 nor more than 10 days before the date of the hearing in a newspaper of general circulation in the county. The notice must be at least equal in size to one-quarter of a normal newspaper page.

3.".

Amend sec. 33, page 27, line 34, by deleting "3." and inserting "4.".

Amend sec. 33, page 27, line 36, by deleting "4." and inserting "5.".

Amend sec. 34, page 27, line 39, before "The" by inserting "1.".

Amend sec. 34, page 27, line 42, by deleting "1." and inserting "(a)".

Amend sec. 34, page 27, line 44, after "35" by inserting "or 36".

Amend sec. 34, page 28, line 4, after "35" by inserting "or 36".

Amend sec. 34, page 28, line 6, by deleting "2" and inserting "(b)".

Amend sec. 34, page 28, line 9, by deleting "3. Shall" and inserting:

"2. The board of county commissioners of Churchill, Elko, Humboldt and Lander counties and the board of supervisors of Carson City shall".

Amend sec. 37, page 29, by deleting lines 20 through 45 and inserting:

"Sec. 37. (Deleted by amendment.)".

Amend sec. 38, page 30, lines 1 and 2, by deleting "section 37" and inserting: "sections 29 to 33, inclusive,".

Amend sec. 38, page 30, line 5, by deleting "both" and inserting "more".

Amend sec. 38, page 30, line 6, by deleting: "subsection 2 of section 37" and inserting: "sections 29 to 33, inclusive,".

Amend sec. 38, page 30, line 14, by deleting "section 37" and inserting: "sections 29 to 33, inclusive,".

Amend sec. 38, page 30, line 17, by deleting "section 37" and inserting: "sections 29 to 33, inclusive,".

Amend sec. 38, page 30, line 20, by deleting "section 37 of this act" and inserting "that section".

Assemblyman Price moved that the Assembly concur in Senate Amendment No. 1485 to Assembly Bill No. 104.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 371 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1492.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires:

1. "Chief" means the chief of the budget division of the department of administration.

2. "Selected agency" means the agency finally selected by the governor pursuant to section 2 of this act.

Sec. 2. 1. On or before October 1, 1992, the governor shall, with the assistance of the chief, select a department, division, bureau, institution, office, board, commission or other agency of the executive branch of government to which the provisions of sections 2 to 6, inclusive, of this act are to apply. These provisions apply only to the selected agency and, except as otherwise provided in sections 3, 4 and 5 of this act, apply notwithstanding any inconsistent provision of state statute or other legislative measure that would otherwise apply to the agency.

2. The selected agency:

(a) Must be one for which the establishment of a special account is authorized by section 3 or 4 of this act. If the establishment of such an account is not authorized for the agency selected initially by the governor, additional agencies must be selected until an agency is selected that meets the requirements of this paragraph. The final selection must be made within the time provided by subsection 1.

(b) Must not be a board or commission whose expenditures during the fiscal year 1991-92 are entirely from sources other than appropriations from the state general fund or state highway fund.

Sec. 3. 1. On or before October 1, 1992, the governor shall, with the assistance of the chief:

(a) Examine the amount of the reversion to the state general fund or state highway fund of the unencumbered balance of the sums appropriated to the selected agency for expenditure in the fiscal year 1991-92; and

(b) Determine from that amount the savings attributable to prudent fiscal management by the selected agency in accomplishing the purposes of the reverting appropriation.

2. On or before November 1, 1992, the state controller shall, except as otherwise required by specific state statute or other legislative measure, by federal law or as a condition to the receipt of money from any source:

(a) Establish a special account in the state general fund or state highway fund, or both, on behalf of the selected agency; and

(b) Transfer to the account the savings attributable to the selected agency.

Sec. 4. 1. On or before October 1, 1992, the governor shall, with the assistance of the chief:

(a) Examine the amount remaining after subtracting the sum expended by the selected agency during the fiscal year 1991-92 from the sum authorized during this legislative session for expenditure from sources other than appropriations from the state general fund or state highway fund; and

(b) Determine from that amount the savings attributable to prudent fiscal management by the selected agency in carrying out its duties.

2. On or before November 1, 1992, the administrator of a fund in which is maintained the savings identified pursuant to subsection 1 shall, except as otherwise required by specific state statute or legislative enactment, by federal law or as a condition to the receipt of money from any source:

(a) Establish a special account in that fund on behalf of the selected agency.

(b) Transfer to the account the savings attributable to the selected agency.

Sec. 5. 1. The selected agency may expend any money transferred to the special account established on its behalf pursuant to section 3 or 4 of this act to operate a work program if:

(a) The program is within the scope of the agency's authority;

(b) The program is approved by the governor, with the advice of the chief, for the expenditure of that money; and

(c) The operation of the program does not violate any limitation upon the use of money in the fund in which the account is maintained, or jeopardize the receipt of money from any source.

2. The chief shall notify the fiscal analysis division of the legislative counsel bureau of each work program approved pursuant to this section and of the amount of money approved for expenditure on the program.

3. The unencumbered balance of the amount transferred to a special account pursuant to section 3 or 4 of this act must not be committed for expenditure after June 30, 1993, and reverts to the remainder of the fund in which it was transferred as soon as all payments of money committed have been made.

Sec. 6. 1. For the purposes of NRS 353.205 to 353.220, inclusive, and 353.230, money transferred to a special account pursuant to section 3 or 4 of

this act, and money expended from such an account, must not be considered as a source of revenue or an expenditure of the selected agency or be included in the budget of that agency.

2. The provisions of NRS 353.215 and 353.220 do not apply to any work program authorized pursuant to section 5 of this act or to any money allotted to such a work program from a special account created pursuant to section 3 or 4 of this act.

Sec. 7. On or before April 1, 1993, the governor shall report to the 67th session of the legislature concerning the results of the program established by sections 2 to 6, inclusive, of this act.

Sec. 8. This act expires by limitation on June 30, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to state finances; authorizing a state agency selected by the governor to use money saved through prudent fiscal management; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes state agency selected by governor to use money saved through prudent fiscal management. (BDR 31-1320)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the vote whereby Assembly Bill No. 763 was passed be rescinded.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 763.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 763:

YEAS—41.

NAYS—None.

Absent—Hardy.

Assembly Bill No. 763 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 179, 185, 308, 395, 420, 456, 581, 597, 647, 648, 668, 670, 683, 756, 800, 806, 809, 817; Senate Bills Nos. 2, 51, 52, 316, 335, 336, 497, 558, 591, 610, 622, 639; Assembly Joint Resolutions Nos. 25, 29; Assembly Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Little, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carol Nunn and Sabrina Nunn.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 27, 1991 at 11:00 a.m.

Motion carried.

Assembly adjourned at 10:58 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-EIGHTH DAY

CARSON CITY (Thursday), June 27, 1991

Assembly called to order at 12:42 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Bergevin and Hardy, who were excused.

Prayer by the Chaplain, The Reverend Lary Rothchild.

Almighty God, we confess our unworthiness and ask Your forgiveness. We rejoice in Your long-suffering and kindness toward us. Increase our awareness of Your presence and our gratitude for You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 400, 647, 651.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 383, 413, 441, 477, 552.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 345, 362, 419, 473, 551, 596.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Coffin, Neal and Adler as a first Committee on Conference concerning Senate Bill No. 329.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 68.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 70.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 68:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 70.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblyman Sader.

Resolution adopted unanimously.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 383.

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

Motion carried.

Senate Bill No. 400.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 413.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 441.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 477.

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

Motion carried.

Senate Bill No. 552.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Garner moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:52 p.m.

## ASSEMBLY IN SESSION

At 1:01 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 647.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 647 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Senate Bill No. 651.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 84 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Johnson moved that Assembly Bill No. 777 be taken from the Chief Clerk's desk and placed on the General File immediately following Senate Bill No. 84.

Remarks by Assemblyman Johnson.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 500, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

| | |
|---|---|
| MORSE ARBERRY, JR. | RAYMOND C. SHAFFER |
| RICK CHARLES BENNETT | VIRGIL M. GETTO |
| JOE ELLIOTT | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 21.

Amend section 1, page 1, line 5, by deleting "or".

Amend section 1, page 1, line 6, after "(b)" by inserting: "An investigator for the attorney general or a grand jury investigating an alleged violation of sections 11 to 14, inclusive, of [this act;] *Assembly Bill No. 495 of this session;* or

(c)".

Amend section 1, page 1, line 12, by deleting "(b)" and inserting "(c)".

Amend section 1, page 2, lines 12 and 13, by deleting: "of such a board".

Amend section 1, page 2, line 18, by deleting "that" and inserting: "a state licensing".

Amend sec. 13, pages 4 and 5, by deleting line 48 on page 4 and lines 1 through 14 on page 5, and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 46, page 13, by deleting line 34 and inserting:

"Sec. 46. Sections 1, 18, 37 and 45 of this act become effective at 12:01 a.m".

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 500.

Remarks by Assemblyman Arberry.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 7, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the bill.

| | |
|---|---|
| BERNIE ANDERSON | RAYMOND C. SHAFFER |
| JOHN L. NORTON | VIRGIL M. GETTO |
| DEAN HELLER | DEAN A. RHOADS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 7.

Remarks by Assemblyman Anderson.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 166, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | RONALD V. COOK |
| JAN EVANS | DINA TITUS |
| JOAN A. LAMBERT | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 25.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 6, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. It is unlawful for a candidate to spend money received as a campaign contribution for his personal use.*

*2. Every candidate for a state, district, county, city or township office at a primary, general or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall:*

*(a) Return the unspent money to contributors;*

*(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;*

*(c) Contribute the money to:*

*(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;*

*(2) A political party;*

*(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or*

*(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);*

*(d) Donate the money to any tax-exempt nonprofit entity; or*

*(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.*

*3. Every candidate for a state, district, county, city or township office at a primary, general or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall, not later than the 15th day of the second month after his defeat:*

*(a) Return the unspent money to contributors;*

*(b) Contribute the money to:*

*(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;*

*(2) A political party;*

*(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or*

*(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);*

*(c) Donate the money to any tax-exempt nonprofit entity; or*

*(d) Dispose of the money in any combination of the methods provided in paragraphs (a), (b) and (c).*

*4. Every public officer who:*

*(a) Holds a state, district, county, city or township office;*

*(b) Does not run for reelection and is not a candidate for any other office; and*

*(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,*

*shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.*

*5. Any candidate or public officer who willfully violates any provision of this section is guilty of a misdemeanor. The court shall, in addition to any other penalty which may be imposed, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.*

*6. For the purposes of this section, "contributions" include any interest and other income earned thereon.*

Sec. 3. *1. If a candidate for state, district, county, city or township office files a declaration of candidacy for an office which is different from the office:*

*(a) Which he previously and publicly intended to seek; or*

*(b) He held immediately preceding his declaration of candidacy,*
*he shall make a reasonable effort to notify the persons who contributed money to his campaign before he filed his declaration of candidacy and shall return the unspent portion of those contributions if so requested. Any contributions not returned must be used in his campaign or must be disposed of in the manner provided in section 2 of this act.*

*2. Any person who willfully violates the provisions of this section is guilty of a misdemeanor.*

Sec. 4. *1. Each candidate for a state, district, county, city or township office who is not elected to that office shall, not later than the 15th day of the second month after his defeat, file a report with the secretary of state stating the amount of contributions which he received for that campaign but did not spend, and the disposition of those unspent contributions.*

*2. Each public officer who is elected to a state, district, county, city or township office shall file a report with the secretary of state:*

*(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend, and the amount, if any, of those unspent contributions disposed of pursuant to paragraph (a), (b) or (c) of subsection 2 of section 2 of this act;*

*(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to section 2 of this act during the period since his last report and the manner in which they were disposed of; and*

*(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.*

*3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.*

*4. Except as otherwise provided in this section, any person who willfully violates any provision of this section is guilty of a misdemeanor.*

Sec. 5. NRS 294A.080 is hereby amended to read as follows:

294A.080 If it appears that the provisions of NRS 294A.010, 294A.015, 294A.020, 294A.035, 294A.041, 294A.055 or 294A.056, or section 2, 4 or 7 of [this act,] *Assembly Bill No. 475 of this session or section 2, 3 or 4 of this act* have been violated:

1. The secretary of state shall report the alleged violation to the attorney general; and

2. A county or city clerk shall report the alleged violation to the appropriate district attorney,

and the attorney general or district attorney to whom the report is made shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 6. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, first line, after "campaign contributions;" by inserting: "prohibiting the personal use of campaign contributions;".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 166.

Remarks by Assemblyman Sader.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 439, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Assembly be concurred in.

| | |
|---|---|
| VAL Z. GARNER | ERNEST E. ADLER |
| GAYLYN J. SPRIGGS | DINA TITUS |
| KEN HALLER | LAWRENCE E. JACOBSEN |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Garner moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 439.

Remarks by Assemblyman Garner.

Motion carried.

## APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Bache and Marvel as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 7.

Mr. Speaker appointed Assemblymen Freeman, Bayley and Petrak as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 577.

## GENERAL FILE AND THIRD READING

Senate Bill No. 84.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1503.

Amend sec. 3, page 2, line 41, by deleting: "No person may" and inserting: "A person may not".

Amend sec. 3, page 3, by deleting lines 34 through 38 and inserting: "founded and precludes administrative or judicial review. At the hearing the board shall take any testimony deemed necessary. After the hearing the board shall review the testimony taken and any other evidence, and shall within 45 days after the date of the hearing mail to the applicant its decision sustaining".

Amend sec. 3, page 3, line 40, after the period by inserting:

"8.".

Amend sec. 3, page 3, line 43, by deleting "disclose, misstated" and inserting: "disclose or misstated information".

Amend sec. 3, page 4, line 21, after "*issuance*" by inserting ", *renewal*".

Amend sec. 3, page 4, line 25, by deleting "8." and inserting "9.".

Amend sec. 3, page 4, line 31, by deleting "9. All" and inserting:

"10. Except as otherwise provided in this subsection, all".

Amend sec. 3, page 4, line 36, after "agency." by inserting: "Upon receipt of a request from the welfare division of the department of human resources pursuant to NRS 425.400 for information relating to a specific person who has applied for or holds a work permit, the board shall disclose to the division his social security number, residential address and current employer as that information is listed in the files and records of the board.".

Amend sec. 3, page 4, line 43, by deleting "10." and inserting "11.".

Amend sec. 3, pages 4 and 5, by deleting lines 46 through 48 on page 4 and lines 1 through 9 on page 5, and inserting: "days.

12. The chairman of the board may designate a member of the board or the board may appoint a hearing examiner and authorize such person to perform on behalf of the board any of the following functions required of the board by this section concerning work permits:

(a) Conducting a hearing and taking testimony;

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

(c) Making a recommendation to the board based upon the testimony and evidence or rendering a decision on behalf of the board to sustain or reverse the denial of a work permit or the objection to the issuance or renewal of a work permit; and

(d) Notifying the applicant of the decision.

13. Notice by the board as provided pursuant to this section is sufficient if it is mailed to the applicant's last known address as indicated on the application for a work permit, or the record of the hearing, as the case may be. The date of mailing may be proven by a certificate signed by an officer or employee of the board which specifies the time the notice was mailed. The notice shall be deemed to have been received by the applicant 5 days".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 777.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1306.

Amend sec. 2, page 1, line 6, after the period by inserting: "*The proceeds of a tax imposed pursuant to this subsection must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Amend sec. 5, page 1, line 23, after the period by inserting: "*The proceeds of a tax imposed pursuant to this subsection must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Amend sec. 8, page 2, line 20, after the period by inserting: "*The proceeds of such a tax must be used solely to:*

*(a) Provide essential governmental and municipal services, such as education, roads, law enforcement, judicial systems and health care; and*

*(b) Construct and maintain related facilities.*".

Assemblyman Spriggs moved the adoption of the amendment.

Remarks by Assemblyman Spriggs.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 192 be returned from the printer.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the action whereby Amendment No. 963 to Senate Bill No. 192 was adopted be rescinded.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 192 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 192.

Bill read third time.

The following amendment was proposed by Assemblyman Porter:

Amendment No. 1025.

Amend section 1, page 1, line 8, after "*or a*" by deleting "*forensic*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 1992.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REMARKS FROM THE FLOOR

Assemblyman Myrna Williams requested that Assemblyman Porter's remarks be entered in the Journal.

Thank you, Mr. Speaker. Under Order of Business 15, I have my own speech about your performance, but I'll save it for the last night. Mr. Speaker, if I may be allowed a moment of pride in the indulgence of the house this morning, I would like to share with you a little story. It's my turn to tell a story this time, right.

Mr. Speaker, back in 1987, my law partner was retained to represent a man who was accused of stealing some travelers checks and a large quantity of cocaine from a vault that he was the owner of. The Grand Jury returned an indictment, and upon the return of the indictment we went over to the courthouse and surrendered this individual, whereupon my law partner called a press conference. Several members of the Las Vegas media attended that press conference where my partner made certain extrajudicial statements. He was issued a private reprimand by the State Bar of Nevada for violating the state bar's disciplinary rules about prejudicial statements dealing with the conduct of a trial. Not being content with a private reprimand, if you know my partner, he chose to make it public and appealed that reprimand to the Nevada Supreme Court. The Nevada Supreme Court in a four to nothing decision affirmed the decision to issue the private reprimand to my partner, and he thereupon appealed to the United States Supreme Court. As you know, the United States Supreme Court granted certiorari, and this case was argued on April 15. This morning the U.S. Supreme Court in a five to four decision reversed the Nevada Supreme Court and ruled in favor of my partner, Dominic Gentile. With the chair's permission I would like to read part of the court's decision which was FAXed to me a few moments ago. The case is entitled, Dominic P. Gentile versus State Bar of Nevada. Let me quote from part of the proceedings, Mr. Speaker, "The State Bar of Nevada reprimanded petitioner for his assertion supported by a brief sketch of his client's defense that the State sought the indictment and conviction of an innocent man as a scapegoat and had not been honest enough to indict the people who did it, the police department, crooked cops. At issue here is the constitutionality of a ban on political speech critical of the government and its officials.

"Unlike other First Amendment cases, this Term in which speech is not the direct target of the regulation or statute in question, this case involves punishment of pure speech in the political forum. Petitioner engaged not in solicitation of clients or advertising for his practice, as in our precedents from which some of our colleagues would discern a standard of diminished First Amendment protection. His words were directed at public officials and their conduct in office.

"There is no question that speech critical of the exercise of the State's power lies at the very center of the First Amendment. Nevada seeks to punish the dissemination of information relating to alleged governmental misconduct, which only last Term we described as 'speech which has traditionally been recognized as lying at the core of the First Amendment.'

"The judicial system, and in particular our criminal justice courts, play a vital role in a democratic state, and the public has a legitimate interest in their operations. It would be difficult to single out any aspect of government of higher concern and importance to the people than the manner in which criminal trials are conducted. Public vigilance serves us well, for the knowledge that every criminal trial is subject to contemporaneous review in the forum of public opinion is an effective restraint on possible abuse of judicial power. Without publicity, all other checks are insufficient; in comparison of publicity, all other checks are of small account.

"One may concede the proposition that an attorney's speech about pending cases may present dangers that could not arise from statements by a nonparticipant, and that an attorney's duty to cooperate in the judicial process may prevent him or her from taking actions with an intent to frustrate that process. The role of attorneys in the criminal justice system subjects them to fiduciary obligations to the court and the parties. An attorney's position may result in some added ability to obstruct the proceedings through well-timed statements to the press, though one can debate the extent of an attorney's ability to do so without violating other established duties. A court can require an attorney's cooperation to an extent not possible of nonparticipants. A proper weighing of dangers might consider the harm that occurs when speech about ongoing proceedings forces the court to take burdensome steps such as sequestration, continuances, or change of venue.

"If as a regular matter speech by an attorney about pending cases raised real dangers of this kind, then a substantial governmental interest might support additional regulation of speech. But this case involves the sanction of speech so innocuous, and an application of Rule 177 safe harbor provision so begrudging, that it is difficult to determine the force

these arguments would carry in a different setting. The instant case is a poor vehicle for defining with precision the outer limits under the Constitution of a court's ability to regulate an attorney's statements about ongoing adjudicative proceedings. At the very least, however, we can say that the Rule which punished petitioner's statement represents a limitation of First Amendment freedoms greater than is necessary or essential to the protection of the particular governmental interest, and does not protect against a danger of the necessary gravity, imminence, or likelihood.

"The vigorous advocacy we demand of the legal profession is accepted because it takes place under the neutral, dispassionate control of the judicial system. Though cost and delays undermine it in all too many cases, the American judicial trial remains one of the purest, most rational forums for the lawful determination of disputes. A profession which takes just pride in these traditions may consider them disserved if lawyers use their skills and insight to make untested allegations in the press instead of in the courtroom. But constraints of professional responsibility and societal disapproval will act as sufficient safeguards in most cases. And in some circumstances press comment is necessary to protect the rights of the client and prevent abuse of the courts. It cannot be said that petitioner's conduct demonstrated any real or specific threat to the legal process, and his statements have the full protection of the First Amendment. The judgment of the Supreme Court of Nevada is reversed."

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 413 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 413 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:29 p.m.

## ASSEMBLY IN SESSION

At 1:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 371, 535, 808 and Senate Bill No. 58 be placed at the top of the General File.

Motion carried.

Assemblyman McGinness moved that Senate Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman McGinness.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 371.

Bill read third time.

Remarks by Assemblyman Elliott.

Roll call on Assembly Bill No. 371:

YEAS—40.

NAYS—None.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 535:

YEAS—37.

NAYS—Johnson, Spriggs, Wong—3.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 808.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Assembly Bill No. 808:

YEAS—39.

NAYS—None.

Absent—Bergevin, Hardy—2.

Not voting—Gibbons.

Assembly Bill No. 808 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 58:

YEAS—40.

NAYS—None.

Absent—Bergevin, Hardy—2.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 371, 535 and 808 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Callister moved that Assembly Bill No. 822 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Callister.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 822.

Bill read third time.

The following amendment was proposed by Assemblyman Callister:

Amendment No. 1482.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting: "*(a) Establish a method for children to participate in a mock*".

Amend section 1, page 1, line 9, by deleting "*(c)*" and inserting "*(b)*".

Amend section 1, page 1, line 12, by deleting "*(d)*" and inserting "*(c)*".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 1:50 p.m.

## ASSEMBLY IN SESSION

At 4:07 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 178, 479.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 406, 529, 592, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 190.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 648, 650.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 7 and requests a second conference, and appointed Senators Nevin, Townsend and O'Connell as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 166.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 439.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 648.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 650.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 777, 822; Senate Bills Nos. 84 and 192 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 303 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Transportation, to which was referred Senate Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 777 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1522.

Amend sec. 9, page 3, line 28, by deleting "1" and inserting: "More than 0 but not more than 1".

Amend sec. 9, page 3, line 32, by deleting "35" and inserting "34".

Amend sec. 9, page 3, line 33, by deleting "35" and inserting "34".

Amend sec. 9, page 3, line 34, by deleting "75" and inserting "74".

Amend sec. 9, page 3, line 35, by deleting "75" and inserting "74".

Amend sec. 47, page 21, line 29, after "entity" by inserting: "or the taxicab authority pursuant to NRS 706.881 to 706.885, inclusive,".

Amend sec. 47, page 21, line 36, after "entity" by inserting: "or taxicab authority".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Stout moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:16 p.m.

## ASSEMBLY IN SESSION

At 5:24 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 648, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 531, 684, 823.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 137, 641, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 395.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 641.

The following Senate amendment was read:

Amendment No. 1450.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 236.080 is hereby repealed.

Sec. 2. Section 4 of chapter 482, Statutes of Nevada 1987, at page 1111, is hereby amended to read as follows:

Sec. 4. Any remaining balance of the appropriation made by section 3 of this act must not be committed for expenditure after [June 30, 1991,] *December 31, 1991,* and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. Section 3 of chapter 797, Statutes of Nevada 1989, at page 1939, is hereby amended to read as follows:

Sec. 3. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after [June 30, 1991,] *December 31, 1991,* and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective on June 30, 1991.

2. Section 1 of this act becomes effective on January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to the commission for the bicentennial of the United States Constitution; abolishing the commission; extending the date for the reversion of the remaining balance of the money appropriated to the commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Abolishes commission for the bicentennial of the United States Constitution. (BDR 18-916)".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 641.

Remarks by Assemblymen Myrna Williams, Anderson and Price.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 406.

The following Senate amendments were read:

Amendment No. 1269.

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. NRS 706.8843 is hereby amended to read as follows:

706.8843 1. A certificate holder shall not employ a driver unless the driver has obtained and has on his person:

(a) A valid driver's license for the State of Nevada obtained [under] *in accordance with* the provisions of NRS 483.010 to 483.630, inclusive;

(b) A copy of a physician's certificate obtained pursuant to NRS 706.8842; and

(c) A driver's permit issued by the administrator pursuant to rules and regulations of the taxicab authority.

2. A certificate holder shall, at the time he employs a driver [, provide] *:*

*(a) Provide* the driver with a complete copy of the rules and regulations described in NRS 706.8844 to 706.8849, inclusive, and such other rules and regulations as [may be] *are* adopted by the taxicab authority [, and require] *; and*

*(b) Require* the driver to sign a statement that he has received a copy of the regulations and has read and familiarized himself with the contents thereof.

*3. A certificate holder may employ a driver as an independent contractor pursuant to the provisions of subsections 1 and 2.*".

Amendment No. 1406.

Amend sec. 20.5, page 8, line 28, by deleting: "*A certificate holder may employ a*" and inserting: "*With the consent of the driver, a certificate holder may employ the*".

Amendment No. 1455.

Amend sec. 20.5, page 8, by deleting lines 12 through 30 and inserting:

"Sec. 20.5. (Deleted by amendment.)".

Assemblyman Spitler moved that the Assembly concur in the Senate amendments to Assembly Bill No. 406.

Remarks by Assemblyman Spitler.

Conflict of interest declared by Assemblyman Scherer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 529.

The following Senate amendment was read:

Amendment No. 1330.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Each person who is receiving or is entitled to receive compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 for an industrial injury or occupational disease which occurred before July 1, 1975, is entitled to receive compensation of not less than $400 each month.*

*2. A self-insured employer shall provide for the increase in monthly compensation required by subsection 1 for each person who would be entitled to receive the increase if the provisions of this section were applicable to the employer.*

*3. A person who is entitled to receive an increase in his monthly compensation pursuant to subsection 1 is not required to accept that increase.*

*4. The administrator shall adopt regulations to carry out the provisions of this section.*".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; increasing the monthly compensation of certain persons who are receiving or are entitled to receive industrial insurance benefits; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Increases monthly compensation of certain persons who are receiving or are entitled to receive industrial insurance benefits. (BDR 53-931)".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 529.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 592.

The following Senate amendment was read:

Amendment No. 1357.

Amend section 1, page 1, line 2, by inserting an open bracket before "does".

Amend section 1, page 1, line 3, by deleting the open bracket.

Amend section 1, page 1, by deleting line 4 and inserting: "tons and who] disturbs less than".

Amend the summary of the bill to read as follows:

"Summary—Redefines "small mining operation" for purposes of mining reclamation. (BDR 46-1953)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 592.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 26.

The following Senate amendment was read:

Amendment No. 1244.

Amend sec. 2, page 1, by deleting lines 18 through 22 and inserting:

"*(b) A* natural person who provides care [, not for profit, for fewer than four persons] *for no more than two persons* in his home [.] ;

*(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or*

*(d) A facility funded by the welfare division or the mental hygiene and mental retardation division of the department of human resources.*".

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

"Sec. 9. NRS 427A.135 is hereby amended to read as follows:

427A.135 1. The advocate or his representative may [, upon] :

*(a) Upon* a complaint by or on behalf of a resident, investigate any act or policy which he has reason to believe may adversely affect the health, safety, welfare or civil rights of any resident of a facility for long-term care [.] *; and*

*(b) Make periodic visits to any facility for long-term care to provide information to the residents of the facility and to review generally any act, practice, policy, procedure or condition which may adversely affect the health, safety, welfare or civil or other rights of any resident of the facility.*

2. The advocate or his representative may enter any facility for long-term care and any area within the facility at reasonable times with or without prior notice and must be permitted access to residents of the facility at all times. Upon his arrival at the facility he shall notify the person in charge and shall present appropriate identification.

3. A person shall not willfully interfere with the advocate or his representative in the performance of any investigation *or visitation* pursuant to this section. If any person is found, after notice and a hearing, to have willfully violated any provision of this subsection, the director, at the request of the administrator, may refer the matter to the health division for the imposition of an administrative fine of not more than $1,000 for each violation.

4. Any money collected as a result of an administrative fine imposed pursuant to this section must be deposited in the state general fund.

5. Each resident has the right to request, deny or terminate visits with the advocate or his representative.

6. The advocate or his representative is not liable civilly for the good faith performance of any investigation.".

Amend the title of the bill, fifth line, after "care;" by inserting: "clarifying the authority of an advocate for residents of facilities for long-term care and his representative to visit residents of such facilities;".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 26.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bill No. 607; Senate Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 607 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 305, 441 and 648 declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Arberry moved that Assembly Bill No. 25 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 25.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1419.

Amend section 1, page 1, by deleting line 8 and inserting: "*employees of operators of programs for clients of the division.*".

Amend section 1, page 1, by deleting lines 18 through 23 and inserting:

"4. As used in this section, "mental health-mental retardation technician" means an employee of the division *or an employee of an operator of a program for clients of the division* who, for compensation or personal".

Amend section 1, page 2, line 3, by deleting "[(a)] *(1)*" and inserting "(a)".

Amend section 1, page 2, line 7, by deleting "[(b)] *(2)*" and inserting "(b)".

Amend sec. 2, page 2, line 15, after "*provide*" by inserting "*active*".

Amend sec. 3, page 2, line 20, after "1." by inserting: "*"Active treatment" means a program of training, treatment and health services which is designed to prevent regression and the loss of personal skills and to enable a client to function independently.*

*2.*".

Amend sec. 3, page 2, line 22, by deleting "2. ["Residential" and inserting "[2. Residential".

Amend sec. 3, page 2, by deleting lines 24 through 27 and inserting "phere.]".

Amend sec. 3, page 2, line 28, after "3." by inserting: "*"Facility for intermediate care for persons with mental retardation" means a facility that provides active treatment and 24-hour a day residential care for persons with mental retardation or who have conditions related to mental retardation.*

*4.*".

Amend sec. 3, page 2, line 30, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 3, page 2, line 32, by deleting "*5.*" and inserting "*6.*".

Amend sec. 11, page 4, by deleting lines 22 and 23 and inserting: "*means a medical facility that provides active treatment and 24-hour a day residential care for persons with mental retardation or who have*".

Amend sec. 13, page 4, by deleting line 36 and inserting: "*defined in NRS 435.007 or other*".

Amend sec. 21, page 7, lines 16 and 17, by deleting "physician's orders" and inserting: "the orders of a physician, or or an advanced practitioner of nursing who is a practitioner,".

Amend sec. 21, page 7, line 19, by deleting "physician's".

Amend sec. 23, page 8, by deleting lines 1 and 2 and inserting: "*with mental retardation as defined in NRS 435.007 or other facility for persons with mental retardation.*".

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

"Sec. 24. Section 21 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Humke moved that the vote whereby Senate Bill No. 328 was refused passage be reconsidered.

Motion carried on a division of the house.

Assemblyman Humke moved that Senate Bill No. 328 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Humke.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Gibbons:

Amendment No. 1505.

Amend sec. 22, page 4, by deleting lines 40 through 42.

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 607.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 607:

YEAS—40.

NAYS—None.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 607 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 305:

YEAS—39.

NAYS—Spriggs.

Absent—Bergevin, Hardy—2.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1519.

Amend sec. 21, page 9, line 15, by deleting "fund" and inserting "account".

Amend sec. 21, page 9, by deleting line 16 and inserting: "verification of insurance *which is* hereby created in the state general fund".

Amend sec. 21, page 9, line 17, by deleting "must be" and inserting "*must be*".

Amend sec. 26, page 11, by deleting lines 23 and 24 and inserting: "surrendered to the department.".

Amend sec. 28, page 12, between lines 12 and 13, by inserting:

"*3. The department shall not charge a fee for an identification card issued to a person who has voluntarily surrendered his driver's license pursuant to NRS 483.420.*".

Amend sec. 30, page 12, by deleting lines 40 through 45 and inserting:

"Sec. 30. 1. This section and sections 1, 5, 6, 13 to 18, inclusive, and 24, 26 and 29 of this act become effective on July 1, 1991.

2. Sections 2, 4, 7, 9 and 11 of this act become effective on October 1, 1991.

3. Sections 19 to 23, inclusive, and 25, 27 and 28 of this act become effective on January 1, 1992.

4. Sections 3, 8, 10 and 12 of this act become effective on October 1, 1992.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 648.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 648:

YEAS—37.
NAYS—Anderson, Freeman, Haller—3.
Absent—Bergevin, Hardy—2.

Senate Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 822.
Bill read third time.
Remarks by Assemblymen Callister, Anderson and Haller.
Assemblymen Porter, Arberry and Evans moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 822.
Roll call on Assembly Bill No. 822:

YEAS—17.
NAYS—Anderson, Arberry, Bache, Bayley, Carpenter, Elliott, Gibbons, Goetting, Gregory, Haller, Heller, Johnson, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Scherer, Spriggs, Stout, Wong—23.
Absent—Bergevin, Hardy—2.

Assembly Bill No. 822 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 84.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Senate Bill No. 84:

YEAS—40.
NAYS—None.
Absent—Bergevin, Hardy—2.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 192.
Bill read third time.
Remarks by Assemblyman Wong.
Roll call on Senate Bill No. 192:

YEAS—40.
NAYS—None.
Absent—Bergevin, Hardy—2.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 395, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Johnson and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 395.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 454 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 454.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1483.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

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

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 5.

Amend the title of the bill, first line, by deleting: "prohibiting certain sales by a wholesale dealer;".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:11 p.m.

## ASSEMBLY IN SESSION

At 6:28 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 824—An Act relating to gaming; directing the state gaming control board to conduct a study of the business of operators of slot machine routes; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 607; Senate Bills Nos. 58, 84, 192, 305, 648 and Senate Concurrent Resolution No. 70 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess until 7:30 p.m.

Motion carried.

Assembly in recess at 6:29 p.m.

ASSEMBLY IN SESSION

At 9:54 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 751, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 751, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Judiciary, to which was referred Senate Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 434 and 751 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 552 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 25 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 303, 454; Senate Bills Nos. 328 and 441 be placed on the General File.

Motion carried.

## UNFINISHED BUSINESS

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Myrna Williams moved that the Assembly do not recede from its action on Senate Bill No. 324, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Myrna Williams.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Garner, Price and Bergevin as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 324.

## SECOND READING AND AMENDMENT

Assembly Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1507.

Amend section 1, page 1, by deleting lines 1 through 6 and inserting:

"Section 1. 1. There is hereby appropriated from the state general fund to the health division of the department of human resources the sum of $20,000 to develop and carry out pilot programs concerning sickle cell anemia pursuant to section 3 of chapter 792, Statutes of Nevada 1989.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, line 7, by deleting: "on July 1, 1991." and inserting: "upon passage and approval.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 751.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 1506.
Amend section 1, page 1, line 2, by deleting "$500,000" and inserting "$300,000".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 552.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 1530.
Amend sec. 2, page 1, line 10, by deleting "*shall*" and inserting "*may*".
Amend sec. 2, page 1, line 21, after "*information*" by inserting: "*if disclosure is*".
Amend sec. 2, page 2, lines 3 and 4, by deleting: ", *whether or not the action is within the scope of his employment,*".
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wong moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Wong.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 25:
YEAS—40.
NAYS—None.
Absent—Bergevin, Hardy—2.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 303 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 454:

YEAS—40.

NAYS—None.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblymen Spitler, Wong, Carpenter, Norton and Price.

Roll call on Senate Bill No. 441:

YEAS—24.

NAYS—Arberry, Bayley, Callister, Goetting, Gregory, Heller, Humke, Lambert, Little, McGaughey, Norton, Porter, Scherer, Wendell Williams, Wong, Mr. Speaker—16.

Absent—Bergevin, Hardy—2.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 303 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:17 p.m.

ASSEMBLY IN SESSION

At 10:36 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 640, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 25, 454 and Senate Bill No. 441 be immediately transmitted to the Senate.

Motion carried unanimously.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 611.

The following Senate amendment was read:

Amendment No. 990.

Amend section 1, page 2, by deleting lines 20 through 22 and inserting: "*coverage.* As used in this subsection, "damages" means the amount [that the insured] *for which the underinsured motorist* is alleged to be liable to the claimant in excess of the limits of bodily injury coverage set by the [insured's] *underinsured motorist's* policy of casualty".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 611.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 137.

The following Senate amendments were read:

Amendment No. 1425.

Amend sec. 2, page 1, by deleting line 14 and inserting:

"2. The board shall [:".

Amend sec. 2, page 1, line 17, by deleting: "*executive officer shall*".

Amend sec. 4, pages 2, 3 and 4, by deleting lines 45 through 48 on page 2, lines 1 through 48 on page 3 and lines 1 through 12 on page 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

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

"Sec. 8. This act becomes effective upon passage and approval.".

Amendment No. 1499.

Amend sec. 6, page 4, by deleting line 25 and inserting: "*the day before the effective date of this act.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendments to Assembly Bill No. 137.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which were referred Assembly Bill No. 546; Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing a song by Ms. Martha Bowers.

Assembly in recess at 10:42 p.m.

## ASSEMBLY IN SESSION

At 11:21 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 652 and requests a conference, and appointed Senators Raggio, Hickey and Glomb as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 701 and requests a conference, and appointed Senators Coffin, Raggio and Hickey as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 500.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 16, 26, 46, 79, 85, 90.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 58, 341, 346, 348, 547; Senate Joint Resolution No. 21.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 611.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 21, 36, 43, 54, 59.

MARY JO MONGELLI

*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 21:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 36:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 43:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 54:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 59:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 104, 183, 197, 198, 269, 270, 292, 320, 428, 437, 444, 499, 537, 561, 606, 631, 639, 758; Senate Bills Nos. 68, 345, 362, 419, 473, 551, 596.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ruby Stone and Mr. Jerry Sorman.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 28, 1991 at 1:00 p.m.

Motion carried.

Assembly adjourned at 11:24 p.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND FIFTY-NINTH DAY

CARSON CITY (Friday), June 28, 1991

Assembly called to order at 4:16 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Bergevin, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Lord, Republicans and Democrats, north and south, urban and rural, we sure have lots of divisions here. Please help us to mend fences and leave, Father, as friends. We ask a special blessing on our colleagues who are ill. Please be with Senators Hickey and Horn and Assemblymen Bergevin and Arberry. May they know our love and support.

As we look back on the days we have spent here, may we cherish the good and learn from the bad. As we continue through life, may we have enough troubles to be humble, enough success to be happy, and enough faith and love to make it. Thank You for being with us. In Jesus' name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which were referred Senate Concurrent Resolutions Nos. 21, 36, 43, 54, 59, 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Concurrent Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Committee on Labor and Management, to which was referred Senate Bill No. 603, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRISTINA R. GIUNCHIGLIANI, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 69.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.

Resolution read.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1524.

Amend the resolution, pages 1 and 2, by deleting lines 1 through 27 on page 1 and lines 1 through 14 on page 2, and inserting:

"RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of not less than six health insurance benefits required by law, as selected by the Legislative Commission, giving consideration to:

1. The level of public demand for each such benefit and the extent to which the required coverage is needed in this state;
2. The extent to which such coverage is currently available;
3. The extent to which the requirement of coverage affects the cost of the treatment or service involved;
4. The effect of the requirement of coverage on the cost of health care in this state; and
5. Such other factors as are deemed necessary to determine the fiscal and social effects of the mandated benefit;

and be it further

RESOLVED, That this study be conducted by a subcommittee appointed by the Legislative Commission, to be composed of:

1. Four Senators who are members of the Senate Standing Committee on Commerce and Labor; and
2. Four Assemblymen who are members of the Assembly Standing Committee on Commerce;

and be it further

RESOLVED, That the Legislative Commission report the results of the study and any recommended legislation to the 67th session of the Nevada Legislature.".

Amend the resolution, page 1, by adding a preamble, immediately preceding the resolving clause, to read as follows:

"WHEREAS, Nevada law currently requires health insurers and health maintenance organizations to provide coverage for the treatment of alcohol and drug abuse, complications of pregnancy, medical care for newly born children and numerous other types of coverage; and

WHEREAS, Operators of small businesses, insurers and others have contended that these mandated benefits increase the cost of health insurance and induce many larger employers to self-insure; and

WHEREAS, Self-insured employers do not always provide these benefits, although their employees may wish to have them; and

WHEREAS, It is desirable that the Legislature periodically review each mandated benefit to determine whether it should continue to be mandatory; now, therefore, be it".

Amend the title of the resolution to read as follows:

"SENATE CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of certain health insurance benefits required by law.".

Amend the summary of the resolution to read as follows:

"Summary—Directs Legislative Commission to conduct interim study of mandated health insurance benefits. (BDR R-271)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and re-engrossed.

Senate Concurrent Resolution No. 21.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 36.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 43.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 54.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 59.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 68.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 69.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

Assemblyman Humke moved that Assembly Bill No. 546 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Remarks by Assemblyman Humke.

Motion carried.

Assemblyman McGinness moved that Senate Bill No. 413 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman McGinness.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1457.

Amend section 1, page 1, by deleting line 13 and inserting: "[.] , *and section 2 of this act.*".

Amend the bill as a whole by deleting sections 2 through 49 and adding new sections designated sections 2 through 10, to read as follows:

"Sec. 2. Chapter 444 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The office of community services shall:*

*(a) Develop markets in this state for products made from recycled materials;*

*(b) Determine the feasibility for the development of markets outside the state for products made from recycled materials; and*

*(c) Provide producers of recycled materials in this state with information relating to manufacturers of products made from those materials.*

*2. The office of community services shall, not later than February 1 of each year, submit a report to the director of the legislative counsel bureau for presentation to the legislature. The report must include:*

*(a) A general description of the markets for recycled materials in this state; and*

*(b) Any recommendations relating to:*

*(1) Increasing the demand for recycled materials and developing markets for recycled materials;*

*(2) The development of state and local policies which encourage the purchasing of products manufactured from recycled materials; and*

*(3) Financial assistance and incentives to encourage the use of recycled materials in this state.*

*3. As used in this section, "recycled material" means material which is separated from solid waste and processed for use as a raw material or product.*

Sec. 3. NRS 444.450 is hereby amended to read as follows:

444.450 As used in NRS 444.440 to 444.620, inclusive, and sections 10.3 and 10.5 of [this act,] *Assembly Bill No. 320 of this session, and section 2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 444.460 to 444.500, inclusive, have the meanings ascribed to them in those sections.

Sec. 4. NRS 444.510 is hereby amended to read as follows:

444.510 1. The governing body of every municipality or district board of health created pursuant to NRS 439.370 shall develop a plan to provide for a solid waste management system which adequately provides for the disposal of solid waste within the boundaries of the municipality or within the area to be served by the system, whether generated within or outside of the boundaries of the area.

2. The plan may include ordinances adopted pursuant to NRS 444.520 and 444.530.

3. Such a governing body may enter into agreements with governing bodies of other municipalities, or with any person, or with a combination thereof, to [effectuate] *carry out or develop portions of* the plan provided for in subsection 1 *, or both,* and to provide a solid waste management system, or any part thereof.

4. Any plan developed by the governing body of a municipality or district board of health created pursuant to NRS 439.370 must be submitted to the state department of conservation and natural resources for approval. No action may be taken by [any such] *that* governing body or district board of health until the plan has been approved.

5. Any regulation or plan adopted by the state board of health before July 1, 1975, for solid waste management systems remains in effect until the regulation or plan is revised by the state environmental commission.

Sec. 5. NRS 332.065 is hereby amended to read as follows:

332.065 1. When a governing body or its authorized representative has advertised for or requested bids in letting a contract, the award must, except as otherwise provided in subsection 2, be made to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder must be judged on the basis of price, conformance to specifications, bidders' qualifications including the bidders' past performance in such matters, quality and utility of services, supplies, materials or equipment offered and their adaptability to the required purpose and in the best interest of the public, each of the factors being considered.

2. The governing body [may give preference to the purchase of recycled products if the product costs no more than 5 percent more than a comparable nonrecycled product.] *:*

*(a) Shall give preference to recycled products if:*

*(1) The product meets the applicable standards;*

*(2) The product can be substituted for a comparable nonrecycled product; and*

*(3) The product costs no more than a comparable nonrecycled product.*

*(b) May give preference to recycled products if:*

*(1) The product meets the applicable standards;*

*(2) The product can be substituted for a comparable nonrecycled product; and*

*(3) The product costs no more than 5 percent more than a comparable nonrecycled product.*

*(c) May purchase recycled paper products if the specific recycled paper product is:*

*(1) Available at a price not more than 10 percent higher than that of paper products made from virgin material;*

*(2) Of adequate quality; and*

*(3) Available to the purchaser within a reasonable period.*

3. If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he does not supply goods or services in accordance with the bid specifications, or if he repudiates the contract, the governing body of any hospital may reaward the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Reawarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.

*4. As used in this section:*

*(a) "Post-consumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.*

*(b) "Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:*

*(1) Post-consumer waste; and*

*(2) Secondary waste,*

*but does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.*

*(c) "Secondary waste" means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value.*

Sec. 6. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. *As used in this section and sections 8 and 9 of this act, unless the context otherwise requires:*

*1. "Post-consumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.*

*2. "Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:*

*(a) Post-consumer waste; and*

*(b) Secondary waste,*

*but does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.*

*3. "Secondary waste" means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value.*

Sec. 8. *1. The board of trustees of each school district shall review and revise the specifications for procuring goods and products for the schools in*

*the district to eliminate discrimination against the procurement or purchase of recycled products whenever the quality of a recycled product is reasonably equal to the same product manufactured with virgin resources. Except for specifications which have been established to preserve the public health and safety, all specifications for procurement must be established in a manner which results in the maximum procurement and purchase of recycled products.*

*2. After consultation with the state department of conservation and natural resources, the board of trustees of each school district shall adopt regulations governing the bidding procedure and specifications for paper and paper products purchased by the schools in the district that encourage the maximum purchase of recycled paper products. The specifications must give preference to recycled paper products manufactured with the highest percentage of recycled material.*

Sec. 9. *1. Except as otherwise provided in this section, the person authorized to purchase supplies and materials for each school district shall, when purchasing goods and products for use by the school district, give preference to recycled products if:*

*(a) The product meets the applicable standards;*

*(b) The product can be substituted for a comparable nonrecycled product; and*

*(c) The product costs no more than a comparable nonrecycled product.*

*2. When purchasing goods and products for use by the school district, the person authorized to make such purchases may give preference to recycled products if:*

*(a) The product meets the applicable standards;*

*(b) The product can be substituted for a comparable nonrecycled product; and*

*(c) The product costs no more than 5 percent more than a comparable nonrecycled product.*

*3. When purchasing any paper or paper products for use by the school district, the person authorized to make such purchases shall purchase recycled paper products if the specific recycled paper product is:*

*(a) Available at a price not more than that of paper products made from virgin material;*

*(b) Of adequate quality; and*

*(c) Available to the purchaser within a reasonable period.*

*4. When purchasing any paper or paper products for use by the school district, the person authorized to make such purchases may purchase recycled paper products if the specific recycled paper product is:*

*(a) Available at a price not more than 10 percent higher than that of paper products made from virgin material;*

*(b) Of adequate quality; and*

*(c) Available to the purchaser within a reasonable period.*

Sec. 10. 1. This section and sections 1 to 4, inclusive, of this act become effective on October 1, 1991.

2. Sections 6 to 9, inclusive, of this act become effective on January 1, 1992.

3. Section 5 of this act becomes effective at 12:01 a.m. on January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to solid waste; requiring the office of community services to develop and report on markets in this state for products made from recycled materials; requiring school districts to purchase recycled products under certain circumstances; requiring local governments to purchase recycled products under certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 364.

Bill read second time and ordered to third reading.

Senate Bill No. 640.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1510.

Amend section 1, page 1, line 2, by deleting "$616,000." and inserting "$800,000.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 361 be re-referred to the Committee on Health and Welfare.

Motion carried.

Assemblyman Scherer moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:37 p.m.

## ASSEMBLY IN SESSION

At 5:06 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 546.

Bill read second time.

The following amendment was proposed by the Committee on Health and Welfare:

Amendment No. 1567.

Amend section 1, page 1, line 2, by deleting "2" and inserting "3".

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 6, page 1, by deleting line 9 and inserting:

"Sec. 6. *1. "Child care facility" means:*

*(a) An establishment operated and main-*".

Amend sec. 6, page 1, by deleting line 12 and inserting: "*18 years of age; or*

*(b) An outdoor youth program.*

*2. "Child care facility" does not include:*".

Amend sec. 6, page 1, line 13, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 6, page 1, line 14, after "*home;*" by inserting "*or*".

Amend sec. 6, page 1, line 15, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 6, page 1, line 17, by deleting "*facility; or*" and inserting "*facility.*".

Amend sec. 6, page 1, by deleting line 18.

Amend sec. 10, page 1, by deleting lines 25 and 26 and inserting: "*of alcohol or drugs. The term does not include any facility, activity or program:*

*1. Operated by or on behalf of a governmental entity; or*

*2. Licensed by the health division of the department.*".

Amend sec. 17, page 2, by deleting line 24 and inserting:

"*(b) Holds a baccalaureate or higher degree, from an accredited college or university, in recreational therapy or a related field;*

*(c) Has completed a program of training, approved by the bureau, on survival in the wilderness;*

*(d) Has not less than 2 years' experience in the specific type of outdoor youth program being conducted;*".

Amend sec. 17, page 2, line 26, by deleting "*(c)*" and inserting "*(e)*".

Amend sec. 17, page 2, line 29, by deleting "*18*" and inserting "*21*".

Amend sec. 17, page 2, by deleting line 30 and inserting:

"*(b) Have graduated from high school and satisfactorily completed not less than 24 semester hours of academic instruction, at an accredited college or university, in subjects relating to the care of children;*

*(c) Have completed a program of training, approved by the bureau, on survival in the wilderness;*

*(d) Have not less than 6 months' experience in the field with an outdoor*".

Amend sec. 17, page 2, line 32, by deleting "*(c)*" and inserting "*(e)*".

Amend sec. 17, page 2, line 36, by deleting "*18*" and inserting "*21*".

Amend sec. 17, page 2, by deleting line 37 and inserting:

"*(b) Have graduated from high school and satisfactorily completed not less than 12 semester hours of academic instruction, at an accredited college or university, in subjects relating to the care of children;*

*(c) Display skills in leadership; and*".

Amend sec. 17, page 2, line 38, by deleting "*(c)*" and inserting "*(d)*".

Amend sec. 18, page 2, line 43, by deleting "*18*" and inserting "*21*".

Amend sec. 18, page 2, line 46, by deleting "*program if*" and inserting: "*program as a voluntary assistant if*".

Amend sec. 18, page 2, line 47, by deleting "*16*" and inserting "*18*".

Amend sec. 18, page 3, line 2, by deleting "*not, without*" and inserting: "*not:*

*(a) Without*".

Amend sec. 18, page 3, line 4, by deleting "*12*" and inserting "*14*".

Amend sec. 18, page 3, between lines 4 and 5, by inserting:

"*(b) Allow a client who is less than 18 years of age to participate in an outdoor youth program with any client who is 18 years of age or older.*".

Amend sec. 19, page 3, line 6, by deleting "*examination*" and inserting: "*examination, from a physician who is licensed to practice in this state,*".

Amend sec. 20, page 3, line 16, by deleting "*must:*" and inserting: "*must be approved by the bureau and:*".

Amend the bill as a whole by deleting sections 23 and 24 and adding new sections designated sections 23 and 24, following sec. 22, to read as follows:

"Sec. 23. *1. A provider shall provide to potential clients a form for a written record of a physical examination. The form must:*

*(a) Describe with particularity the physical demands of the outdoor youth program and the environment where the program will be conducted; and*

*(b) Contain spaces for the results of:*

*(1) A test of urine for the presence of a controlled substance;*

*(2) An examination of blood count;*

*(3) A test of urine for infections;*

*(4) An examination of electrolytes;*

*(5) A test for pregnancy;*

*(6) An assessment of ability to cope with physical stress; and*

*(7) A determination by the physician as to whether detoxification is necessary before enrollment in the outdoor youth program.*

*2. A field administrator shall not allow a client to participate in an outdoor youth program unless the field administrator maintains in the base camp and a member of the field staff, who is responsible for the supervision of the client, carries in a waterproof container:*

*(a) A written record of the physical examination of the client, conducted not more than 30 days before the client commences his participation in the program, consisting of the form furnished by the provider pursuant to subsection 1, completed and executed by a physician who is licensed to practice in this state; and*

*(b) A written history of the health of the client that covers a period ending on a date within 30 days before the client commences his participation in the*

*program. The history must be verified by a parent or guardian and contain any limitations on the activities of the client and any prescriptions to be taken by or administered to the client.*

Sec. 24. *1. A field administrator shall not allow a client to participate in an outdoor youth program unless a treatment team has:*

*(a) Conducted an interview of the client;*

*(b) Conducted an interview of the client's parent or guardian to obtain the client's social and psychological history;*

*(c) Reviewed the record of the physical examination of the client and the written history of his health;*

*(d) Assessed and prepared an evaluation of the client's:*

*(1) Family history;*

*(2) Medical, social and psychological condition; and*

*(3) Level of education and development; and*

*(e) Based upon the information obtained and assessed pursuant to paragraphs (a) to (d), inclusive, prescribed a plan for the continuing evaluation and treatment of the client during his participation in the program. The plan must provide specific goals and objectives for the observeable modification of the client's attitudes and behavior.*

*2. A field administrator shall ensure that the treatment team:*

*(a) Is readily accessible to each client; and*

*(b) Meets with each client, for at least 1 hour during each week that the client is participating in the program,*

*to carry out the plan of continuing evaluation and treatment prepared pursuant to subsection 1.*

*3. For the purposes of this section, "treatment team" means a group consisting of:*

*(a) A physician; and*

*(b) A psychologist or social worker,*

*who are licensed to practice in this state.*".

Amend sec. 25, page 5, line 23, after "*expedition.*" by inserting: "*The field administrator shall, before the expedition leaves the base camp, deliver a copy of the itinerary and map to the bureau.*".

Amend sec. 26, page 5, by deleting line 38 and inserting: "*client must have a sleeping bag and:*".

Amend sec. 26, page 5, line 40, by deleting: "*a sleeping bag,*".

Amend sec. 27, page 5, line 46, by deleting "*15*" and inserting "*12*".

Amend sec. 27, page 5, by deleting line 48 and inserting:

"*(b) Must include at least one member of the staff, who meets the qualifications set forth in subsection 1, 2 or 3 of section 17 of this act, for every three clients.*".

Amend sec. 28, page 6, by deleting line 8 and inserting: "2. *The support staff contacts*".

Amend sec. 29, page 6, line 21, by deleting "*5*" and inserting "*6*".

Amend sec. 29, page 6, by deleting line 23 and inserting:

"*(a) Provide clients with daily instruction upon:*

*(1) Federal, state and local laws and regulations for the protection of the environment; and*

*(2) Conducting themselves in*".

Amend sec. 29, page 6, line 31, by deleting "*log.*" and inserting: "*log, and shall not allow any person to alter or destroy the log or any of its entries.*".

Amend sec. 30, page 6, by deleting lines 34 through 36 and inserting:

"Sec. 30. *A field administrator shall ensure that:*

*1. A written menu is prepared for the meals to be furnished to each group of clients. The menu must be prepared by a person who holds a baccalaureate or higher degree in nutrition or a related field, from an accredited college or university, and must provide*".

Amend sec. 30, page 6, line 38, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 30, page 6, line 39, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 30, page 6, by deleting lines 44 through 47 and inserting:

"2. *In addition to meals, clients receive a daily supplement of multiple vitamins.*".

Amend sec. 34, page 8, line 3, after "*program.*" by inserting: "*The provider of the program shall retain the summary for not less than 2 years.*".

Amend sec. 36, page 8, line 30, by deleting "*2*" and inserting "*3*".

Amend the bill as a whole by deleting sections 38 through 40 and inserting:

"Secs. 38-40. (Deleted by amendment.)".

Amend sec. 41, page 9, line 41, by deleting the brackets.

Amend sec. 41, page 9, by deleting lines 42 through 45 and inserting: "child care facility in an amount prescribed by regulation of the board.".

Amend sec. 41, page 10, by deleting lines 6 through 8 and inserting:

"*(a) An outdoor youth program is valid only for the area of operation described in the license.*

*(b) Any other child care facility is valid only for the premises*".

Amend sec. 42, page 10, by deleting lines 13 through 15 and inserting: "facility;

2. The location of the licensed facility [;] *or, if the license is for an outdoor youth program, the area of operation of the program;* and".

Amend sec. 42, page 10, line 16, by deleting "*child care*".

Amend sec. 43, page 10, by deleting lines 20 and 21 and inserting: "period not exceeding 1 year, to a child care facility which:".

Amend sec. 43, page 10, line 24, by deleting "*or program*".

Amend sec. 43, page 10, line 28, by deleting "*or program*".

Amend sec. 43, page 10, line 32, by deleting "*or program*".

Amend sec. 43, page 10, by deleting line 38 and inserting: "*any outdoor youth program.*".

Amend sec. 44, page 10, by deleting line 41 and inserting: "license to operate a child care facility, conduct".

Amend sec. 44, page 10, by deleting line 43 and inserting:

"(a) Buildings or premises of the facility [;] *and, if the application is for an outdoor youth program, the area of operation of the program;*".

Amend sec. 44, page 10, by deleting lines 45 and 46 and inserting:

"(c) Method of operation for the facility; and".

Amend sec. 46, page 11, line 40, by deleting "facility," and inserting: "facility [,] *and area of operation of an outdoor youth program,*".

Amend sec. 47, page 12, by deleting line 4 and inserting: "[premises] *child care facility* for which a license is issued.".

Amend sec. 47, page 12, by deleting line 6 and inserting: "or employees of the *child care* facility [.] *, or the clients of the outdoor youth program.*".

Amend the bill as a whole by deleting sections 48 through 51 and renumbering sec. 52 as sec. 48.

Amend sec. 52, page 13, line 42, by deleting "*7*" and inserting "*6*".

Amend the title of the bill, second line, by deleting "programs; and" and inserting: "programs; providing a penalty; and".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 532 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Bennett moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Wong moved that Senate Bill No. 328 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Wong.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 469, 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.



VIVIAN L. FREEMAN, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 71.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 71.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Humke and Kerns.

Resolution adopted.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 303.

Bill read third time.

The following amendment was proposed by Assemblyman Johnson:

Amendment No. 1556.

Amend sec. 8, page 3, line 3, after "5." by inserting: "Each separate business must be licensed pursuant to this section. The executive director shall determine the number of licenses that must be issued for the activities of each person who applies for a license pursuant to this section. The decision of the executive director may be appealed to the commission. The decision of the commission is a final decision. The executive director shall require separate licenses for businesses that:

(a) Have separate nonrestricted gaming licenses;

(b) Pay any other taxes assessed by the state or a local government as separate entities, including without limitation, the tax on the net proceeds of mines;

(c) Have separate business licenses issued by the same local government;

(d) Operate independently at different locations; or

(e) Conduct business under different names.

6.".

Amend sec. 9, page 4, by deleting lines 1 through 7 and inserting:

"(b) The tax must be computed separately for each business for which a license is issued pursuant to section 8 of this act.".

Amend sec. 9, page 4, by deleting lines 17 through 22.

Assemblyman Johnson moved the adoption of the amendment.

Remarks by Assemblymen Johnson and Price.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN JOHNSON:

Thank you, Mr. Speaker. I move that the Assembly adopt Amendment No. 1556 to A.B. No. 303. This amendment solves part of the problem that I see this bill has with the capping of the fees that are set on the current schedule. There is a significant difference between similar business activities, particularly in the casino area. Subparagraph (a) just simply says that for calculating these taxes in an individual business enterprise that has separate nonrestricted gaming licenses would still have the same caps of $100,000 a

quarter, but they couldn't group the separate business activities from multiple business operations in the state. This would make a fairer allocation of the fees. There are significant differences between the current schedule—yesterday, I passed out a handout that listed the current schedule and there were alternate schedule fees. Those alternative schedule fees were calculated on a little different basis than what this bill would do. They were adjusted so that the total revenue generated was equal. This bill doesn't address that, it simply removes that each individual business activity, and there are several other categories. For instance, if they are operated independently and if they conduct businesses under different names, they would have to pay a license fee of $25 plus the existing schedule for their employees. There was some objection to this bill that small business operators that have three hotdog stands, or something, would be taxed with tougher differential harm in this because they would be taxed at a higher rate. It just depends on how they fit into the schedule. If, for instance, you have 19 employees, to calculate the amount owed under individual taxes would be less expensive, there would be a savings. If you had 20 employees, you would fall into a different category and the separate business activity would cost slightly more money.

I see this amendment as an improvement in a bill that I will be supporting and address at the time we vote on the bill. But the amendment, I think, makes it a fairer bill.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Boy, there're some days. I'm sure it's no surprise to anyone. I am rising to speak against the amendment, even though it is the same program that I supported in committee. Your Committee on Taxation looked at this. I will explain a little bit further so you, at least, know what you are voting on. Your committee voted against this plan basically 10 to 1, I think. I'm the only one that I remember. As the subcommittee in Taxation put together the current scheme for the annual business fee, they moved a long ways, and that's Mr. Callister and Mr. Bergevin who's not with us today, but they worked long and hard to develop to the point the scheme that they have. This proposed annual fee is not exactly on base as to paying so much per employee; however, it kind of works out that way when you look at some of the numbers. When you have an employer under our plan that has a little over 4,000 employees, then they reach the $100,000 maximum annual—or $400,000 actually, it's $100,000 per quarter—$400,000 maximum annual tax on this. So when you link some of the larger employers together, as was pointed out by my colleague on the left, when you have employers that have ten or eleven hundred employees, then the obvious yearly rate goes way down to the nine or the eight dollar version.

I received a letter yesterday also from the Carson City Chamber of Commerce which asks it be read into the record that they support this particular amendment.

CARSON CITY CHAMBER OF COMMERCE

June 26, 1991

ASSEMBLYMAN BOB PRICE, *Chairman,* Taxation Committee

RE: A.B. 303

The Carson City Chamber of Commerce is concerned with the impact of A.B. 303 upon the small businesses of Nevada. The bill as currently proposed is not equitable and is the hardest upon those businesses employing the fewer number of persons.

Our concern is that those businesses who find themselves just over the threshold of the next higher tier would be forced to cut back the number of employees rather than have to take a harder tax "hit" or would put off hiring additional employees if those employees would result in higher taxes.

However, the Carson City Chamber of Commerce will support an amendment to A.B. 303 that would remove the caps imposed on the higher end of the scale and raise the number of employees tier at the lower end so those businesses and corporations employing the largest number of persons would pay on a fair and equitable per-employee basis and have a less severe impact on those businesses employing ten or less persons.

If I can provide additional information or assistance in regard to this issue, please let me know.

Sincerely,

LARRY M. OSBORNE, *Executive Vice President*
BRENT HOLDERMAN, *President*
HANK THOMAS, *Chairman,* Legislative Task Force

However, that being said, I must tell you that in the final days of discussion on this before it came out of committee, we had all of the representatives from all of the various gaming properties, at least, who are being taxed, and the Nevada Resort Association representatives and the Gaming Industry Association, which is the northern Nevada equivalent I guess, met on this and eventually decided to support the package as it came out of your taxation committee. I was not privileged to listen to any of those arguments which I would have enjoyed listening to; however, I did get the full report. So, for those reasons and since I am chairman of the committee and the bill came out in the manner that it is, I will be supporting the committee version, but I wanted to explain to you as clearly as I could the options that are before you.

Amendment lost.

Remarks by Assemblymen Price, Heller, Wong, McGinness, Haller, Porter, McGaughey, Goetting, Callister, Giunchigliani, Elliott, Spriggs, Spitler and Norton.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Assembly Bill No. 303 is a comprehensive first step into establishing what we hope will be a broad-based business tax. One that, in this current version, has been supported by a large segment of the business community, and I will have to tell you we also received letters, at least I did, in opposition to 303 from various businesses, as we receive letters from all businesses. It established, as you will see, I think, on page 3 or 5, based on number of employees, a range of quarterly taxes to be paid, with the lowest being $25 per quarter or $100 a year. It also has an annual filing fee for corporations of $25 and that, in itself, is expected to raise around $2.6 million. I won't read all of the ranges for you. The tax itself is expected to generate around $113 million for the biennium from '91 to '93. While on a percentage basis it won't be quite as large an income to our general fund as sales tax and gaming gross fee right now, it will become the third largest of the pie-shaped income. It's important because it not only helps us balance the budget for the next year, but it is, in fact, the first broad-based business tax that we've—and when I say broad-based, of course, I am excluding gaming because gaming does pay a business tax based on their gross, and mining pays a tax based on their net proceeds, and the insurance industry pays a tax based on insurance premiums—so we have three major industries who do, in fact, pay a business tax, but all of the rest of the community across the state—we're one of only three states that does not impose some type of a business tax for the operation of state government. This will be our first venture into including all the businesses with the exception of the very small—we didn't call them "Mom and Pop" we called them either "Mom" or "Pop," where one person is working, your Avon ladies and those types of people. It moves us in a direction that was recommended by the Price Waterhouse report that we paid a half million dollars for and the Blue Ribbon Commission study on the fiscal affairs of our state prior to that. While it's a big step, it's something, I feel, is necessary and your committee feels is necessary and is good fiscal long-range planning for your state. We hope that you can see it in your heart to support this.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I stand in opposition to A.B. No. 303 for a number of reasons. We can discuss different reasons why this particular tax is not good; we can talk about the inability for these businesses to pay, that it is not based on the ability to pay; we can talk about our economic conditions that we currently have. But I would like to talk

about some hard facts and some hard figures that I received from the Employment Security Department this week. This is talking specifically about what has happened here in Nevada since we have been in session. I want to give some figures on our unemployment. As of January of this year there have been 8,000 new hires statewide. On the other hand, those jobs that have been lost statewide is over 41,000. To me that's a ratio of 5 to 1 of people who are losing their jobs in this state to those who are being hired. Also the figures have been broken down, 1,375 people in Carson City alone have lost their jobs since we have been in session. We can take these figures and look back to what we've done in previous years, and you can see that the ratio of those unemployment claims are almost going to be double of what they were a year ago. For this reason, I will not be supporting this particular tax.

ASSEMBLYMAN WONG:

Thank you, Mr. Speaker. I, also, rise in opposition to A.B. No. 303, and my opposition is predicated on one very simple point. This tax is not based on the ability to pay. We're in a recession in this state at the present time, and to go out to businesses that are marginal at this point, ask them to pay a tax that could be the difference between making it and not making it, instead of seeing businesses standing up, we are going to see them "belly up." I oppose this tax.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. I agree with the two previous speakers. As the chairman of taxation said, this is only a first step. I think it may be a very tenuous step. He also mentioned that there's support from a large group of businesses, and I contend that there's not a lot of support from another large group, and those are small businessmen. Those are the people that have not been lobbying us here in the halls, have not been to the committee meetings because they are home working their small businesses. As a small business person myself, I can attest there are going to be some inequities, that family-owned operation that has a few full-time employees with a lot of part time, those Mom or Pop businesses that Mr. Price spoke of that perhaps hire one person on a temporary basis or maybe hire a high school student to come in after school—in summers they provide some very important on-the-job training—so for those small businessmen that are not here in the hall today, I will be voting no.

ASSEMBLYMAN HALLER:

Mr. Speaker. I rise in support of this bill. As a member of the Taxation Committee, I found that it was one of the toughest committees in this building as far as having to "bite bullets." I never saw so many people oppose anything as we saw opposed to every tax that was proposed. With very few exceptions, I think this is one that I think we hit a landmark on because we had bipartisan support, and in fact, bipartisan effort between two of the members to put the thing together. We did find that there were some pretty big employers in the state who are really going to be hit hard but were willing to step up and say, "Hey, okay, the state needs it. We're going to pay it." This state is going to be in one hell of a mess if we don't pay some taxes and pull some people out of the hole. I think that, by and large, coming from Washoe County, the most difficult thing I will ever do is to vote for taxes because you've already put us with a nose to the grindstone for something we're not going to get anything back for. I strongly urge support for this bill.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 303. That may sound interesting coming from an individual who, in his previous four years has voted for, I think, two taxes in his entire career, and is now faced with the prospect of voting on three separate bills. I rise in support because it amazes me that members of the Ways and Means Committee who processed a budget on the floor that I now have to vote to fund can stand here and not put their solution on the board with their name on it or any other fashion. So Gene Porter is standing here supporting a tax increase that I have never done, but I do today because I do it to balance a budget that feeds people, that fixes state problems, that keeps the government of this state running. I would urge my colleagues to adopt not only this one, but the next bill, and I would ask them what their solutions to this budget are, especially when they voted for 95 percent of it. Thank you, Mr. Speaker.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. I rise in favor of Assembly Bill No. 303 very reluctantly. There are none of us in this body that wants to vote for taxes, but Nevada is a growing state. We have not addressed all those needs in the past few years like we should have, and now the "chickens have come home to roost." We have a budget that needs to be funded. We've all worked very hard in this committee, or not this committee but this house. Mr. Bergevin, a member of our party, worked very hard on this bill. We've got to fund the needs of our state and we've got to broaden that base. We have for too long relied on a few sources of revenue for the state, and this tax is going to do that. It may work well, and it may have problems because it is something that is new. But I'm going to vote for it, give it a try. I recommend to my colleagues to try to vote for it also, and if there's problems, like we do every two years, we amend, we fix, but we've got to take care of the needs of this state. We have infrastructure problems, we have school problems, we have problems in every part of our society. We've got to "bite the bullet" and take care of them. Thank you.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 303, or actually in opposition to Assembly Bill No. 303. Sorry about that. On Ways and Means, we did look at some tough decisions. These three taxes that we have before us are in order to provide for a 34 percent increase in general fund appropriations from this biennium to the last biennium. I don't think that need was warranted, and that's why I'll be voting in opposition to this bill.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I rise in support of A.B. No. 303, and also to acknowledge somewhat of a miracle. To see my colleague and dear friend from southern Nevada, the esteemed majority leader, rise in support of any tax is miraculous. I want to acknowledge and express my appreciation for that. I also want to share his public consternation at hearing from the members of the Ways and Means Committee their opposition to this and, I anticipate, other tax measures. I don't understand how that can be the case. I have in front of me about three inches worth of transcripts of the final closings which indicate that, with the exception of a couple of budgets—these were budgets that were passed unanimously that comprise the total of 300, actually about $297 million in spending beyond our available revenue, and even that isn't accurate.

I want to take a moment and digress. When we get into the budget, we'll have a chance to discuss this, but in truth what this budget is all about is the shortfall of about $250 million between available revenue and what the budget calls for. Added to that $250 million shortfall was the unfortunate and really unprecedented slide in existing revenues, sales tax revenues, in chief, which dipped $48 million between January and June, and that's the difference between the $250 million and the $297-$298 figure.

But I want to stress a couple of points here. Number one, we in this state experienced what is called a "structural deficit." The chairman of taxation has spoken of that on many occasions. The most frequently asked question to all of us here is, "Why doesn't growth pay for itself?" The answer is because the average new person moving to the State of Nevada generates, under our existing tax scenario, about $600 or $700 in annual taxes and expends about $2,100 to $2,200 in services. That's a structural deficit. We paid a half a million dollars, this body did, a few years back, to commission the first in a 20-year period, the Price Waterhouse tax study. Basically, you distill that mega-volume down to one sentence, and what it tells you is this: Expand your tax base. And that's their approach to try to begin to resolve this structural tax deficit in which growth doesn't pay for itself. We've experienced in excess of 7 percent growth over the last two years of the biennium, up to 14 percent growth. It isn't free; it doesn't pay its own way. Somebody, somewhere, has to develop some new alternatives. Is this the perfect alternative? I think, as the esteemed minority leader suggested, perhaps it is not; we'll find that out over time. But it is, I believe, an impressive start. For the first time, it addresses the issue of trying to stabilize our over-dependency in this state on the most volatile revenue sources, that is to say gaming and sales tax. That's what this vehicle is all about, trying to impose some

general license fee on all of those in the state, whether they're big businesses or small businesses, at some equitable level that compels all of them, myself included, to pay some tax, some business license fee to the state for the first time. Is that a comfortable, easy decision? No! Is it politically popular? No! Is it our job? Yes. Is it our job to attempt to fund the budget we endorse? Yes. I don't expect that all of us here today will be entirely satisfied with this or any other new tax. There's portions of the budget I don't feel comfortable with. I think the members of the committee are aware of where those portions are, the things that I fought for and against. But the bottom line is we're now roughly 48 hours away from having this state shut down because we don't have a tax package and a budget. It's time to do our jobs! I urge your support for this measure.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Bill No. 303. On February lst, 1988 my organization launched a campaign statewide, and the issue we were attempting to get across was what the public said is that education is important, it should be the number one priority, and we need to responsibly fund it. The other issue we found was that it was time to broaden our tax base. So I spent, personally, two years of my life being known as the corporate tax lady. That was the nicest name I was called, to be honest. But I want to remind you what all this battle was about, and that is to be responsible to fund the programs that the people of this state depend on. Now this last year we made an agreement to not go forth with the corporate tax, and that agreement was made at the behest of business. We do not need to tear this state apart. We do need to work together, and that's what Assembly Bill No. 303, that's the culmination of that. To have my colleague from Douglas County sit down with my colleague from southern Nevada, turn around and bring business together to create a tax that is as equitable as we are going to get at this point in time. I would encourage everybody to do the right thing, to do what we were elected to do. It is very easy to come up here—and I've worked these halls off and on over the years—it is very easy to come up here and worry about getting reelected, and that's what a lot of people have a tendency to do. I've gotten to know a lot of you and I think you've come up here to do the job that you were elected to do, and not worry about whether or not you're going to get elected. It's very easy to say no, and it's irresponsible to say no, and it's much more difficult to do and say yes. None of us likes taxes. We all have to pay them, but the same people that we hear about with the recession being laid off work, seniors not being able to pay their bills, those are the exact same people that depend upon the budget that we need to fund with the taxes that we have to raise. So I would ask you to show some courage, I would ask you not to look at whether or not you are going to get reelected because I think the public will understand, as long as you go back and say that I cut the budget where I could, we took out the waste where we could, but we had to be responsible and that is that we have to vote, unfortunately, for taxes. Thank you.

ASSEMBLYMAN ELLIOTT:

Thank you, Mr. Speaker. I rise against this tax. The small businessman in America, not just in Nevada, is the largest employer—well it is the largest employer. Not EXXON or some of your big corporations, but the small businessman and he's hit by local taxes, as well as county and city taxes, and I would request that I escape the wrath of the majority leader or those people who sat on that Ways and Means Committee because I didn't sit there so I can be exempt for this.

I would say that we need to be responsible, and we certainly need to be because it looks and appears we are going to need additional monies. I don't think this is the appropriate way of doing it, and I think we are going to see an increase in unemployment. I hope that the taxes raised by this bill aren't used for those people who are going to be on unemployment.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. To you and through you, I thank you for your indulgence. I think a lot of us maybe have a different philosophy. To me, to be responsible means to live within your means. I think that maybe a 30 percent or more increase in a budget is too much, and if I had the choice, I would cut the budget. That is the reason that I'll be voting against this. I think we are going too far, too fast.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I rise in support of this particular measure. No one had to remind me about the needs of our state when I ran for office, and certainly no one had to remind me of my obligation to support our state's needs now. I also remember a corporate tax initiative which had businesses and citizens looking for solutions. Businesses met for over a year, citizens met with them for over a year, and many of those people came up with the idea that we needed a broader based business tax. I agree with the Chairman of Ways and Means that the budget is reasonable, and when you look at the growth, we're looking at a different state. We have drug situations that no one else has ever faced before, and we can turn our backs now and fail to fund these things, but, believe me, when we turn our backs on the needs of children in this state, we are going to pay that cost dearly in the future. Prisons are bursting, education systems are full, and we have an obligation to look at that and find those solutions now. I support fully the measures of those speaking for this particular bill. It is our responsibility to support this measure. Thank you, Mr. Speaker.

ASSEMBLYMAN NORTON:

I rise in support, Mr. Speaker, of this bill. I'm proud Nevada is growing. I'd hate for us to have an opposite problem. When we talk about hurting the small businessman, it is the small businessman, family and kids that we've got to educate in this state. We can diversify our economy, and we will not have to be dependent upon one or two sources of taxes. We need to broaden our base. Let's support this bill.

Roll call on Assembly Bill No. 303.

YEAS—27.

NAYS—Anderson, Bayley, Carpenter, Elliott, Gibbons, Goetting, Heller, Little, McGinness, Pettyjohn, Spriggs, Stout, Wong—13.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Callister moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:47 p.m.

## ASSEMBLY IN SESSION

At 6:45 p.m.

Mr. Speaker presiding.

Quorum present.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 295.

Bill read third time.

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

Assembly in recess at 6:48 p.m.

## ASSEMBLY IN SESSION

At 6:53 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Price and Bache.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, the second part of our proposed tax triangle is Assembly Bill No. 295 which increases the sales tax portion, that portion of our sales tax that goes to the local school support fund, LSST. It increases it by 3/4 of 1 percent. That in turn, of course, allows us to back an equivalent amount of funds from the distributive school fund, which of course is then available for use in our regular budget in the general fund. In addition to that 3/4 of 1 percent, it reduces the amount that retailers are allowed to keep for collecting sales tax from a 1/4 of 1 percent. Now, when the sales tax was first adopted in 1955, a rate of 1 1/2 percent was set to allow the retailers some dollars for the paperwork and so forth they have to do. Now, at that point in time, the sales tax was only 2 cents, and, of course, now it is up to 7 to 7 1/4 percent, depending on local options and the things that we are passing here this year. Your tax committee figured by reducing 1/4 of a percent, which will raise some, about $2.8, almost $3 million over the biennium which will also put money into local government because part of that collection will go back to help local governments that the retailers would still be receiving the same amount of dollars for volume sales that they have had in the past, since we are actually increasing the sales tax for as much as it has increased. So they will be held harmless and will perhaps even gain a little bit, but that will be a help to your government. We also are reducing the amount that is allowed to be kept by the folks who sell cigarettes, the cigarette stamps, and the same theory goes through there. The total estimated revenue from this particular version of the sales tax will be a little over $200 million during the biennium, and we will gain around an extra $700,000 on the cigarette and other taxes that we're saving. That's pretty much about it. There's an appropriation for $26,000 to the Department of Taxation to make changes to the computer programming to set up for this particular bill. I would be glad to answer questions.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in reluctant support of A. B. No. 295. A sales tax is a regressive tax. It proportionately takes more income from the lower and middle income people of the State of Nevada. However, it would be easy for me to oppose this tax, but instead I will support it because I think we need to broaden our taxes in the State of Nevada; it's the responsible thing to do; it's a tough thing to do. I urge my colleagues to vote for this issue, and I also urge my colleagues that in the future we develop a comprehensive plan, setting tax policy for the State of Nevada instead of continuing with our Band-Aid method of taxation.

Order of Business 15. Over the entire session, the distinguished but often tardy chairman of taxation—I've talked to him frequently on this particular tax. I've said in District 11, I represent the working men and women of the state. I probably have more working people there, average working people, than any other district, and I told him repeatedly they are tired being nickeled and dimed to death on sales tax, and if he could find any other way possible to solve our tax problems here in the State of Nevada. If I can vote for this particular tax, and I have probably one of the largest problems with it, I would hope that everybody else in the Assembly could vote for it too. Thank you, very much, Mr. Speaker.

Roll call on Assembly Bill No. 295:

YEAS—27.

NAYS—Bayley, Freeman, Gibbons, Goetting, Gregory, Humke, Lambert, Little, Pettyjohn, Sader, Scherer, Stout, Wong—13.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 295 and 303 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 296 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 559.

Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 1573.

Amend section 1, page 1, line 5, by deleting "*shall*" and inserting "*may*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 807.

Bill read third time.

Assemblyman Porter moved that Assembly Bill No. 807 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 815.

Bill read third time.

Assemblyman Callister moved that Assembly Bill No. 815 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Callister.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Callister.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 647 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 413.

Bill read third time.

The following amendment was proposed by Assemblyman McGinness:

Amendment No. 1549.

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. 1. The legislature declares that by increasing the number of judges for the seventh judicial district it creates a vacancy in that district within the meaning of section 5 of article 6 of the constitution of the State of Nevada.

2. As soon as practicable after July 1, 1991, the governor shall begin the process to appoint a person to fill that vacancy beginning January 2, 1992, until a successor is elected at the general election in 1992. The term of the person so elected expires on January 6, 1997.

Sec. 3. 1. There is hereby appropriated from the state general fund to the budget account for district judges' salaries, for the salary of the additional district judge required by section 1 of this act:

For the fiscal year 1991-92 ..... $48,907

For the fiscal year 1992-93 ..... $98,063

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. This act becomes effective on July 1, 1991.".

Assemblyman McGinness moved the adoption of the amendment.

Remarks by Assemblyman McGinness.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 532.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1532.

Amend the bill as a whole by renumbering sections 1 through 5 as sections 2 through 6 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 463.0129 is hereby amended to read as follows:

463.0129 1. The legislature hereby finds, and declares to be the public policy of this state, that:

(a) The gaming industry is vitally important to the economy of the state and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming is conducted honestly and competitively, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments and the manufacture or distribution of gambling devices and equipment.

(d) All establishments where gaming is conducted and where gambling devices are operated, and manufacturers, sellers and distributors of certain gambling devices and equipment must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the state, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

(e) To ensure that gaming is conducted honestly, competitively and free of criminal and corruptive elements, all gaming establishments in this state must remain open to the general public and the access of the general public to gaming activities must not be restricted in any manner except as provided by the legislature.

2. No applicant for a license or other affirmative commission approval has any right to a license or the granting of the approval sought. Any license issued or other commission approval granted pursuant to the provisions of this chapter or chapter 464 of NRS is a revocable privilege, and no holder acquires any vested right therein or thereunder.

*3. This section does not:*

*(a) Abrogate or abridge any common law right of a gaming establishment to exclude any person from gaming activities or eject any person from the premises of the establishment for any reason; or*

*(b) Prohibit a licensee from establishing minimum wagers for any gambling game or slot machine.*".

Amend the bill as a whole by renumbering sec. 6 as sec. 10 and adding new sections designated sections 7 through 9, following sec. 5, to read as follows:

"Sec. 7. NRS 464.020 is hereby amended to read as follows:

464.020 1. The Nevada gaming commission is charged with the administration of this chapter for the protection of the public and in the public interest.

2. The Nevada gaming commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.

3. The wagering must be conducted only by the licensee at the times determined by the Nevada gaming commission and only:

(a) Within the enclosure wherein the race or other sporting event which is the subject of the wagering occurs; or

(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.

4. The regulations of the Nevada gaming commission may include, without limitation:

(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.

(b) Requiring information concerning an applicant's antecedents, habits and character.

(c) Prescribing the method and form of application which any applicant for a license [under] *issued pursuant to* this chapter must follow and complete before consideration of his application by the Nevada gaming commission.

5. *The Nevada gaming commission may appoint a committee consisting of persons who are licensed to engage in off-track pari-mutuel wagering. The commission may grant to that committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:*

*(a) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and*

*(b) A person who is licensed pursuant to chapter 464 of NRS as an operator of a system.*

*6.* The Nevada gaming commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed [under] *pursuant to* this chapter pertaining to and affecting the subject of the license.

Sec. 8. NRS 464.040 is hereby amended to read as follows:

464.040 1. The total commission deducted from pari-mutuel wagering other than off-track pari-mutuel wagering by any licensee licensed pursuant to the provisions of this chapter must not exceed 18 percent of the gross amount of money handled in each pari-mutuel pool operated by him during the period of the license.

2. The total commission deducted from off-track pari-mutuel wagering must be determined by the Nevada gaming commission and may be divided between the licensee and persons licensed or approved by that state to participate in the conduct of the race or event or the pari-mutuel system of wagering thereon.

3. Except as otherwise provided in NRS 464.045 for pari-mutuel wagering , [on racing,] each licensee shall pay to the Nevada gaming commission quarterly on or before the last day of the first month of the following quarter of operation for the use of the State of Nevada a tax at the rate of 3 percent on the total amount of money wagered on any racing or sporting event.

4. The licensee may deduct odd cents less than 10 cents per dollar in paying bets.

5. Except as otherwise provided in NRS 464.045 for *off-track* pari-mutuel wagering , [on racing,] the amount paid to the Nevada gaming commission must be, after deducting costs of administration which must not exceed 5 percent of the amount collected, paid over by the Nevada gaming commission to the state treasurer for deposit in the state general fund.

Sec. 9. NRS 464.045 is hereby amended to read as follows:

464.045 1. The provisions of subsections 3 and 5 of NRS 464.040 do not apply to persons licensed [for the conduct of] *to conduct off-track* pari-mutuel wagering . [on racing.]

2. A licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering [on racing] shall include within gross revenue, for the purpose of determining the amount of the state license fee imposed by NRS 463.370, the amount of the commission deducted from off-track pari-mutuel wagering received by it, plus breakage and the face amount of unpaid winning tickets that remain unclaimed for a period specified by the commission.".

Amend sec. 6, page 4, by deleting lines 19 and 20 and inserting:

"Sec. 10. 1. This section and section 1 of this act become effective upon passage and approval.

2. Sections 2, 4, 6 and 7 of this act become effective on October 1, 1991.

3. Sections 3, 5, 8 and 9 of this act become effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to gaming; authorizing the Nevada gaming commission to grant to a committee of persons licensed to engage in off-track pari-mutuel wagering the exclusive right to negotiate certain agreements concerning off-track pari-mutuel wagering; making various changes relating to administrative procedures for hearings and appeals concerning the licensing and regulation of gaming; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to licensing and control of gaming. (BDR 41-1380)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and McGinness.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Wong:

Amendment No. 1531.

Amend sec. 30, page 6, line 26, by deleting "1992." and inserting: "1992, and expires by limitation on July 1, 1993.".

Assemblyman Wong moved the adoption of the amendment.

Remarks by Assemblyman Wong.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 35, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

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|---|---|
| JAMES W. MCGAUGHEY | RANDOLPH J. TOWNSEND |
| RICK CHARLES BENNETT | ANN O'CONNELL |
| ROBERT A. WONG | RAYMOND C. SHAFFER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 27.

Amend sec. 2, page 2, by deleting lines 32 through 37 and inserting:

"(a) *Passes an examination administered by the state board of nursing on Nevada law relating to pharmacy and submits to the state board of pharmacy evidence of passing that examination;*

*(b)* Is authorized to do so by the state board of nursing in a certificate issued by that board; and

[(b)] *(c)* Applies for and obtains a certificate of registration from the state board of pharmacy and pays the fee set by a regulation adopted by the board. The board may set a single fee for the collective certification

Assemblyman McGaughey moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 35.

Remarks by Assemblyman McGaughey.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 329, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

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|---|---|
| ROBERT E. PRICE | BOB COFFIN |
| MYRNA T. WILLIAMS | JOSEPH M. NEAL, JR. |
| JOAN A. LAMBERT | ERNEST E. ADLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Price moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 329.

Remarks by Assemblyman Price.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 554, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

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|---|---|
| DOUGLAS ALBERT BACHE | RAYMOND C. SHAFFER |
| WENDELL P. WILLIAMS | LEONARD V. NEVIN |
| DEAN HELLER | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 23.

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 and 8 as sections 6 and 7.

Assemblyman Bache moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 554.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, Spriggs and Haller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 701.

Mr. Speaker appointed Assemblymen Sader, Humke and Porter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 652.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 451.

The following Senate amendment was read:

Amendment No. 1031.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 7, inclusive,".

Amend the bill as a whole by renumbering sections 5 through 20 as sections 8 through 23 and adding new sections designated sections 5 through 7, following sec. 4, to read as follows:

"Sec. 5. *1. In addition to the fee established pursuant to NRS 118B.185, except as otherwise provided in subsection 3, the owner of a mobile home park shall pay to the division an annual fee of $12 for each lot within the park that was occupied at any time during the year. The owner shall not impose a fee or surcharge to recover from his tenants the costs resulting from the annual fee per lot paid pursuant to this subsection, or any related penalty.*

*2. The administrator shall notify the owner of each mobile home park in the state on or before July 1 of each year of the fee imposed pursuant to this section.*

*3. If on May 15 of that year the balance in the trust fund for low-income owners of mobile homes which is attributable to deposits pursuant to this section exceeds $1,000,000, the administrator shall not charge or collect a fee pursuant to this section. He shall resume the collection in any year when the balance on May 15 is less than $750,000. The administrator shall request the state treasurer to inform him of the applicable balance of the fund on May 15 of each year.*

*4. If an owner fails to pay the fee within 30 days after receiving written notice from the administrator to do so, a penalty of 50 percent of the amount of the fee must be added.*

*5. All fees and penalties collected by the division pursuant to this section must be deposited in the state treasury for credit to the trust fund for low-income owners of mobile homes created pursuant to section 6 of this act.*

Sec. 6. *1. There is hereby created in the state treasury the trust fund for low-income owners of mobile homes, to be administered by the division. All money received for the use of the fund pursuant to section 5 of this act or from any other source must be deposited in the fund.*

*2. The interest and income earned on the money in the fund, after deducting any applicable charges, must be credited to the fund. All claims against the fund must be paid as other claims against the state are paid.*

*3. The money in the fund may be used only to pay necessary administrative costs and to assist eligible persons by supplementing their monthly rent for the mobile home lot on which their mobile home is located. To be eligible for assistance from the fund a person must:*

*(a) Have been a tenant in a mobile home park in this state for at least 1 year immediately preceding his application for assistance;*

*(b) Own the mobile home which is subject to the tenancy;*

*(c) Have a monthly income which is at or below the federally designated level signifying poverty; and*

*(d) Be a tenant in a mobile home park and maintain continuous tenancy in that park during the duration of the supplemental assistance.*

*4. The division shall administer the provisions of this section and may adopt regulations necessary for that purpose. The division shall adopt regulations establishing annual reporting requirements for persons receiving assistance pursuant to this section. The regulations must require that each such person provide the division with a written acknowledgement of his continued eligibility for assistance.*

*5. The maximum amount which may be distributed to a person to supplement his monthly rent pursuant to this section is an amount equal to the difference between $150 and the amount of rent charged for the lot, but in no case may the supplement exceed the average monthly rent charged per mobile home lot in the county in which the mobile home is located.*

Sec. 7. *A person who receives assistance pursuant to section 6 of this act shall notify the administrator of any change in his eligibility pursuant to that section within 10 days after the change. A person who violates this section is ineligible for assistance from the trust fund for low-income owners of mobile homes.*".

Amend sec. 6, page 2, line 1, by deleting "[Whenever] *If*" and inserting "If".

Amend sec. 6, page 2, line 15, by deleting "under" and inserting "pursuant to".

Amend sec. 6, page 2, between lines 17 and 18, by inserting: "The administrator may, in addition to or in lieu of any action authorized by paragraph (a), (b) or (c), impose a fine pursuant to section 1 of [this act.] *Assembly Bill No. 450 of this session.*".

Amend the bill as a whole by adding new sections designated sections 24 and 25, following sec. 20, to read as follows:

"Sec. 24. Notwithstanding the provisions of section 6 of this act, no money may be distributed from the trust fund for low-income owners of mobile homes pursuant to section 6 of this act until July 1, 1992.

Sec. 25. 1. This section and sections 5, 6 and 24 of this act become effective on July 1, 1991.

2. Sections 1 to 4, inclusive, 7, 8 and 10 to 23, inclusive, of this act become effective on October 1, 1991.

3. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Amend the title of the bill, fourth line, after the semicolon, by inserting: "imposing an annual fee on owners of mobile home parks; providing for the use of the proceeds of those fees to subsidize the rent paid for a mobile home lot by certain eligible persons;".

Assemblyman Porter moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 451.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 469, 603, 626 and 641 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 434 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 751 and Senate Bill No. 552 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 364 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 364 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 469.

Bill read second time.

The following amendment was proposed by Assemblyman Kerns:

Amendment No. 1539.

Amend section 1, page 2, line 6, by deleting "*The*" and inserting: "*In a county whose population is 400,000 or more, the*".

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to air pollution; authorizing certain local air pollution control boards to delegate to an".

Amend the summary of the bill by deleting the second line and inserting: "pollution to be used to defray expenses of certain local air pollution control boards.".

Assemblyman Kerns moved the adoption of the amendment.

Remarks by Assemblyman Kerns.

Amendment adopted.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1541.

Amend section 1, page 2, line 12, by deleting the period and inserting: "*to a maximum of $10,000 per year.*".

Assemblyman Krenzer moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 603.

Bill read second time.

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

Amendment No. 1523.

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

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The manager shall, pursuant to a resolution of the board, declare in July of each year the amount of interest and other income earned by the system during the preceding fiscal year on investments and reinvestments of the money of the system.*

*2. The manager shall allocate an amount equal to 1 percent of the interest and other income so declared for the payment of cost-of-living increases for any eligible person who is receiving compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615.*

*3. The money allocated for cost-of-living increases pursuant to subsection 2 must be transferred to the fund for cost-of-living increases which is hereby created as a trust fund, and invested by the system pursuant to NRS 616.497 to 616.499, inclusive. Any interest or other income earned by the system on the money in the fund must be credited to the fund.*

Sec. 2. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; allocating a portion of the interest and other income earned on the investment of the money of the state industrial insurance system to the payment of cost-of-living increases for

certain persons receiving industrial insurance benefits; creating the fund for cost-of-living increases; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Allocates portion of interest and other income earned on money of state industrial insurance system to payment of cost-of-living increases for certain persons receiving industrial insurance benefits. (BDR 53-1726)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 626.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1537.

Amend section 1, page 1, line 5, by deleting "*increased*" and inserting: "*materially increased or decreased*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 364.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 364:

YEAS—38.

NAYS—Pettyjohn, Spriggs—2.

Absent—Bergevin, Hardy—2.

Senate Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 434:

YEAS—34.

NAYS—Elliott, Humke, Little, Pettyjohn, Scherer, Wong—6.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 751.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Pettyjohn, Goetting, Little, Wendell Williams, Haller, Scherer, Callister and Price.

Assemblymen Porter, Garner and Evans moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 751.

Roll call on Assembly Bill No. 751:

YEAS—27.

NAYS—Bayley, Goetting, Heller, Humke, Lambert, Little, McGaughey, McGinness, Pettyjohn, Scherer, Spriggs, Stout, Wong—13.

Absent—Bergevin, Hardy—2.

Assembly Bill No. 751 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 552.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 552:

YEAS—40.

NAYS—None.

Absent—Bergevin, Hardy—2.

Senate Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 434, 751; Senate Bills Nos. 364, 552 and Senate Concurrent Resolutions Nos. 21, 36, 43, 54, 59, 68, 69 and 71 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 7:56 p.m.

## ASSEMBLY IN SESSION

At 9:51 p.m.

Mr. Speaker presiding.

Quorum present.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 647 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 82, 290, 449, 664, 678, 708, 783, 790, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 655.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 225, 241, 500.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 84, 441, 574.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 192, 416, 529.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 329.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 554.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The second Committee on Conference concerning Senate Bill No. 28, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 30, which is attached to and hereby made a part of this report.

| | |
|---|---|
| GENE T. PORTER | RANDOLPH J. TOWNSEND |
| MATTHEW Q. CALLISTER | RAYMOND C. SHAFFER |
| SCOTT SCHERER | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 30.

Amend section 1, pages 1 and 2, by deleting lines 3 through 22 on page 1 and lines 1 through 4 on page 2 and inserting: "*The commissioner may adopt regulations authorizing collection agen-*".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 4, to read as follows:

"Sec. 4. 1. Notwithstanding the provisions of NRS 649.075, if a collection agency wishes to be exempt from the provisions of chapter 649 of NRS, the agency may apply to the commissioner of financial institutions for an exemption. The commissioner shall grant such an exemption if he finds that:

(a) The agency:

(1) Is licensed as a collection agency in the state where its attempts to collect claims from residents of Nevada originate, and that the licensing

state is authorized by its law to investigate complaints received from residents of this state and to take disciplinary action against the agency in connection with such complaints; and

(2) Collects only debts within this state which are exempt from the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.; or

(b) The agency:

(1) Is licensed as a collection agency in the state where its attempts to collect claims from residents of Nevada originate, and that the licensing state is authorized by its law to investigate complaints received from residents of this state and to take disciplinary action against the agency in connection with such complaints;

(2) Does not have an office or any employees in this state and does not, by mail, telephone, advertising or any other means, solicit in this state a claim for collection; and

(3) Has no contact with debtors or customers in this state other than its attempts to collect a claim by mail or telephone from a location outside of this state.

2. To be granted an exemption pursuant to this section, a collection agency must apply no later than 6 months after the effective date of this act. The commissioner of financial institutions shall not grant such an exemption to an agency that applies after that date. Any exemption granted pursuant to this section remains effective after that date.''.

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

''An Act relating to collection agencies; authorizing the exemption of certain out-of-state collection agencies from the licensing requirements; authorizing the adoption of regulations permitting collection''.

Amend the summary of the bill, first line, by deleting ''Exempts'' and inserting: ''Authorizes exemption of''.

Assemblyman Porter moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 28.

Remarks by Assemblyman Porter.

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Concurrent Resolution No. 96 be taken from the Chief Clerk's desk and re-referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Myrna Williams moved that Assembly Bill No. 568 be taken from the Chief Clerk's desk and re-referred to the Committee on Legislative Functions and Elections.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 634 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 732 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 34 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 518 be taken from the Chief Clerk's desk and re-referred to the Committee on Health and Welfare.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Senate Bill No. 515, has had the same under consideration, and begs leave to report the same back without recommendation.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Education, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back without recommendation.

WENDELL P. WILLIAMS, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Commerce, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 824, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 647.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Functions and Elections:

Amendment No. 1566.

Amend sec. 5, page 2, line 30, by deleting "*21*" and inserting "*20*".

Amend sec. 5, page 2, line 31, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 5, page 2, line 32, by deleting "*23.*" and inserting "*22.*".

Amend sec. 5, page 2, line 36, by deleting "*4:*" and inserting "*28:*".

Amend sec. 5, page 2, line 38, after "*(2)*" by inserting: "*In census voting district 0520, blocks 104, 105, 106, 107, 108, 109, 110 and 131.*

*(3) In census voting district 0610, blocks 101, 110, 114 and 115.*

*(4)*".

Amend sec. 5, page 2, line 39, by deleting "*(3)*" and inserting "*(5)*".

Amend sec. 5, page 2, line 41, by deleting "*(4)*" and inserting "*(6)*".

Amend sec. 5, page 2, line 43, by deleting "*(5)*" and inserting "*(7)*".

Amend sec. 5, page 2, line 45, by deleting "*(6)*" and inserting "*(8)*".

Amend sec. 5, page 2, line 46, by deleting "*(7)*" and inserting "*(9)*".

Amend sec. 5, page 3, line 3, by deleting: "*districts 14 and 17.*" and inserting: "*district 14 except that portion described in paragraph (e) of subsection 5.*

*(d) All of assembly district 17.*".

Amend sec. 5, page 3, line 4, by deleting "*(d)*" and inserting "*(e)*".

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

"*(f) In assembly district 20:*".

Amend sec. 5, page 3, line 20, by deleting "*4*" and inserting "*28*".

Amend sec. 5, page 3, by deleting lines 27 and 28 and inserting:

"*(2) In census voting district 0255, blocks 102, 103, 104, 112, 113, 114, 115, 116, 117 and 147.*".

Amend sec. 5, page 3, between lines 35 and 36, by inserting:

"*(e) In assembly district 14, census voting district 0250.*".

Amend sec. 5, page 3, line 36, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 5, page 3, line 44, by deleting "*(f)*" and inserting "*(g)*".

Amend sec. 5, page 4, line 9, by deleting: "*13, 22 and 42.*" and inserting: "*5, 13 and 21.*".

Amend sec. 5, page 4, line 23, by deleting "*20.*" and inserting "*4.*".

Amend sec. 5, page 4, line 30, by deleting "*26.*" and inserting "*23.*".

Amend sec. 5, page 4, line 32, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 5, page 4, line 39, by deleting: "*5 and 8.*" and inserting: "*8 and 42.*".

Amend the bill as a whole by deleting sec. 6 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 218.056 is hereby amended to read as follows:

218.056 1. The assembly districts described in NRS 218.0745 to 218.0785, inclusive, are hereby created.

2. The [following] senatorial districts *described in subsections 3 to 6, inclusive,* are hereby created and the [following] numbers of senators *designated therein are* apportioned to each respectively . [:

(a)] *3.* The Northern Nevada senatorial district [consisting of] , *apportioned one senator, consists of* assembly districts 33 and 34 . [: One senator.

(b)] *4.* The Central Nevada senatorial district [consisting of] , *apportioned one senator, consists of* assembly districts 35 and 36 . [: One senator.

(c)] *5.* The Western Nevada senatorial district [consisting of assembly districts 38 and 39: One senator.

(d)] *, apportioned one senator, consists of:*

*(a) In assembly district 25:*

*(1) Census voting district 0306.*

*(2) In census voting district 0710, block 304B.*

*(b) In assembly district 26:*

*(1) Census voting district 0731.*

*(2) In census voting district 0769, blocks 101, 102, 103, 104, 105, 106, 107B, 110B, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135B, 136, 138, 139, 140 and 202.*

*(3) In census voting district 0930, blocks 201, 202, 301, 302, 305, 306, 307, 308, 502, 503, 504, 505, 508, 509, 510 and 511.*

*(4) In census voting district 0945, blocks 108, 109, 204, 205, 206, 207, 208, 303, 304, 309, 310, 311, 312, 506, 507, 512 and 513.*

*(c) All of assembly district 37 except:*

*(1) In Washoe County, census voting districts 0771 and 0232.*

*(2) In Washoe County, in census voting district 0118, blocks 128A, 412A and 413.*

*(3) In Washoe County, in census voting district 0124, blocks 414, 701, 702, 703, 704, 705, 706 and 801A.*

*(4) In Washoe County, in census voting district 0131:*

*(I) Blocks 312A, 313, 314, 315, 316, 431A and 602A.*

*(II) Block 399 located in census tract 001003.*

*(5) In Washoe County, in census voting district 0231, blocks 601, 701, 702, 703, 704, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813 and 815.*

*(6) In Washoe County, in census voting district 0252, blocks 602B, 603, 604, 605, 609, 610, 611, 612, 613 and 615.*

*(7) In Washoe County, in census voting district 0702, blocks 410, 411, 412B, 421, 422 and 423.*

*(8) In Washoe County, in census voting district 0849, blocks 133B and 134.*

*(9) In Washoe County, in census voting district 0901, blocks 211A, 220, 312B, 431B, 432, 433 and 602D.*

*(d) In assembly district 38, in Lyon County, census voting district 0035.*

*(e) All of assembly district 39.*

*6.* The Capital senatorial district [consisting of assembly districts 37 and 40: One senator.

3.] *, apportioned one senator, consists of:*

*(a) All of assembly district 38 except that portion described in paragraph (d) of subsection 5.*

*(b) All of assembly district 40.*

*7.* Each senator and assemblyman must be elected from within the district wherein he resides by the registered voters residing in that district.''.

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

''Sec. 7. NRS 218.057 is hereby amended to read as follows:

218.057 1. The assembly districts described in NRS [218.069] *218.0695, 218.0705, and 218.0715* to 218.074, inclusive, are hereby created in Washoe County.

2. The [following] senatorial districts *described in subsections 3 to 6, inclusive,* are hereby created in Washoe County, and the [following] numbers of senators *designated therein are* apportioned to each respectively .[:

(a)] *3.* Washoe County senatorial district 1 [consisting of assembly districts 24, 25, 28 and 29: Two senators.

(b)] *, apportioned one senator, consists of:*

*(a) In Washoe County, census voting districts 0401, 0402, 0403, 0404, 0412, 0420, 0425, 0430, 0441, 0442, 0443, 0444, 0456, 0501, 0505, 0507, 0516, 0517, 0521, 0522, 0524, 0533, 0536, 0700, 0708, 0714, 0719, 0725, 0726, 0734, 0735, 0749, 0752, 0760, 0764, 0803, 0805, 0808, 0815, 0850, 0851, 0852 and 0910.*

*(b) In Washoe County, in census voting district 0240, blocks 101A, 101B, 102, 103, 104, 105, 106, 107, 108, 122 and 127.*

*(c) In Washoe County, in census voting district 0245, blocks 102, 103, 104, 105, 106, 107, 108, 109B and 112.*

*(d) In Washoe County, in census voting district 0305, block 109A.*

*(e) In Washoe County, in census voting district 0410, blocks 101, 102, 103, 110, 111, 115, 116, 124, 125, 129, 130, 305, 307, 321, 322, 401, 402, 403, 405, 415, 417, 418, 419, 420 and 421.*

*(f) In Washoe County, in census voting district 0419, blocks 101A, 102, 103, 104, 105A, 106, 201B and 607.*

*(g) In Washoe County, in census voting district 0421:*

*(1) Blocks 605B, 607, 609B, 609C, 611A, 611B, 613A, 615A and 616.*

*(2) Block 612 located in census tract 002604.*

*(h) In Washoe County, in census voting district 0457:*

*(1) Located in census track 0014, blocks 124, 125 and 126.*

*(2) Blocks 127, 128, 129, 132, 133, 202, 206, 207, 223, 224, 229 and 230.*

*(i) In Washoe County, in census voting district 0508, blocks 130, 201, 203, 204, 205, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 225, 226 and 227.*

*(j) In Washoe County, in census voting district 0532, blocks 108A, 109, 110 and 111.*

*(k) In Washoe County, in census voting district 0625, blocks 504, 505B, 505C, 509 and 510.*

*(l) In Washoe County, in census voting district 0640, blocks 101A, 102, 446A, 446B, 462A, 463A, 463C, 465A and 465B.*

*(m) In Washoe County, in census voting district 0648, block 102A.*

*(n) In Washoe County, in census voting district 0709, block 201A.*

*(o) In Washoe County, in census voting district 0728:*

*(1) Block 101C, located in census tract 003103.*

*(2) Blocks 101D, 102C, 104, 105B, 106, 107C, 129B, 130, 201, 205, 206, 207, 208, 216, 217, 220, 302, 418, 444, 445, 446G, 447, 448, 449, 450, 451, 457, 459, 460, 461, 462B, 463B, 463D, 464, 465C, 465D, 465E, 466, 485, 499, 501, 502B, 502C, 503, 504, 505B, 560, 561, 562, 563, 564, 565 and 566.*

*(p) In Washoe County, in census voting district 0812, blocks 401, 402, 403, 404, 405, 413, 414, 415, 416 and 483A.*

*(q) In Washoe County, in census voting district 0856, blocks 516, 542 and 545.*

*4.* Washoe County senatorial district 2 [consisting] , *apportioned one senator, consists* of assembly districts 30 and 31 . [: One senator.

(c)] *5.* Washoe County senatorial district 3 [consisting of assembly districts 23, 26, 27 and 32: Two senators.

3.] , *apportioned one senator, consists of:*

*(a) In Washoe County, census voting districts 0103, 0109, 0111, 0112, 0116, 0118, 0121, 0122, 0123, 0124, 0125, 0127, 0133, 0136, 0428, 0429, 0445, 0453, 0455, 0458, 0500, 0534, 0535, 0701, 0702, 0741, 0747, 0748, 0750, 0768, 0782, 0795, 0796, 0801, 0802, 0807, 0809, 0810, 0811, 0813, 0821, 0848, 0849, 0853, 0854, 0855, 0904, 0905 and 0907.*

*(b) In Washoe County, in census voting district 0131, blocks 301A, 301B, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312A, 313, 314, 315, 316, 399, 402B, 402C, 431A, 503, 505A, 601, 602 and 602A.*

*(c) In Washoe County, in census voting district 0206:*

*(1) Block 103 located in census tract 001003.*

*(2) Blocks 104, 105 and 106.*

*(d) In Washoe County, in census voting district 0212, blocks 205, 206, 207, 208, 209, 210, 211, 220, 221, 222, 223, 224, 225, 226, 227, 306, 307, 308, 309 and 311.*

*(e) In Washoe County, in census voting district 0231, blocks 601 and 703.*

*(f) In Washoe County, in census voting district 0232:*

*(1) Blocks 603, 604, 605, 606, 607, 608, 609, 610 and 613.*

*(2) Block 699 located in census tract 001003.*

*(g) In Washoe County, in census voting district 0252, blocks 602B, 615A and 615B.*

*(h) In Washoe County, in census voting district 0419, block 604B.*

*(i) In Washoe County, in census voting district 0421:*

*(1) Blocks 520A, 521A, 522A, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532A, 533A, 534A, 535A, 538A, 604A, 605, 613, 614, 615, 701, 702, 703, 704A, 704C, 705A, 705C, 706, 707, 708, 709 and 710.*

*(2) Block 612 located in census tract 002603.*

*(j) In Washoe County, in census voting district 0532, blocks 101A, 101B, 102, 103, 104, 105, 106, 107 and 604C.*

*(k) In Washoe County, in census voting district 0640, block 129A.*

*(l) In Washoe County, in census voting district 0709, blocks 101A, 101B, 102B, 104B, 106B, 201C, 201D, 201E, 201F, 203A, 203B, 203C, 203D, 204A, 204B, 204C, 205A, 205B, 206A, 206B and 207.*

*(m) In Washoe County, in census voting district 0710, block 219.*

*(n) In Washoe County, in census voting district 0728, blocks 101E, 103D, 105A, 421, 422, 423, 424 and 443.*

*(o) In Washoe County, in census voting district 0761, blocks 201, 202B, 205A and 205B.*

*(p) In Washoe County, in census voting district 0771, blocks 414A, 414B, 415, 416, 417, 418, 419, 420, 424, 436, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 456 and 499.*

*(q) In Washoe County, in census voting district 0812, blocks 406, 407, 408, 409, 410, 411, 412, 417, 419, 420, 425, 426, 427, 428, 429, 430, 645, 646, 647, 648, 649, 650 and 651.*

*(r) In Washoe County, in census voting district 0856, blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 340, 341, 342, 343, 344, 345, 346, 347, 348, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 517, 518, 519, 520, 521, 543 and 544.*

*(s) In Washoe County, in census voting district 0901, blocks 312B, 431B, 432, 433 and 602D.*

*6. Washoe County senatorial district 4, apportioned one senator, consists of:*

*(a) In Washoe County, census voting districts, 0105, 0106, 0132, 0135, 0200, 0203, 0208, 0215, 0223, 0235, 0242, 0243, 0244, 0251, 0253, 0312, 0317, 0323, 0326, 0334, 0335, 0336, 0337, 0338, 0339, 0341, 0344, 0347, 0348, 0349, 0350, 0351, 0704, 0707, 0733, 0736, 0742, 0744, 0746, 0780, 0781, 0832, 0833 and 0834.*

*(b) In Washoe County, in census voting district 0131, blocks 402A, 402D and 505B.*

*(c) In Washoe County, in census voting district 0206:*

*(1) Blocks 101, 102, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 199, 301, 326 and 327.*

*(2) Block 103 located in census tract 001004.*

*(d) In Washoe County, in census voting district 0212, blocks 124, 125 and 126.*

*(e) In Washoe County, in census voting district 0231, blocks 102A, 102B, 102C, 701, 702, 704, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813 and 815.*

*(f) In Washoe County, in census voting district 0232:*

*(1) Blocks 611 and 612.*

*(2) Block 699 located in census tract 001003.*

*(g) In Washoe County, in census voting district 0240, blocks 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 201, 202, 203, 206, 601, 602, 603, 604, 605, 606 and 610.*

*(h) In Washoe County, in census voting district 0245, blocks 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226 and 227.*

*(i) In Washoe County, in census voting district 0252, blocks 614 and 814.*

*(j) In Washoe County, in census voting district 0310, blocks 212, 213, 214, 215, 216 and 222.*

*(k) In Washoe County, in census voting district 0346, block 505.*

*(l) In Washoe County, in census voting district 0410, blocks 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 619, 620, 626, 627, 628, 629, 630, 631 and 632.*

*(m) In Washoe County, in census voting district 0457:*

*(1) Blocks 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 113, 114, 115, 116, 117, 118, 120, 121, 122, 123, 701, 702, 703, 704, 705, 712, 713, 714, 715, 716, 801 and 802.*

*(2) Located in census tract 0001, blocks 124, 125 and 126.*

*(n) In Washoe County, in census voting district 0508, blocks 706, 707, 708, 709, 710, 711, 717, 718, 719, 803, 804, 805 and 806.*

*(o) In Washoe County, in census voting district 0710, blocks 101B, 106B, 107B, 108A, 108D, 108E, 108F, 109B, 109C, 110, 111, 112, 113, 114, 115, 203A, 203B, 205, 206A, 206B, 207, 208, 214, 215 and 216.*

*(p) In Washoe County, in census voting district 0716:*

*(1) Blocks 201B, 302B, 303, 304B, 305, 306B, 308B, 310 and 409B.*

*(2) Block 307B located in census tract 002204.*

*(q) In Washoe County, in census voting district 0761, blocks 206A, 206B and 207.*

*(r) In Washoe County, in census voting district 0769, blocks 101B, 101C, 110B, 111, 199, 201D and 601B.*

*(s) In Washoe County, in census voting district 0901, blocks 213, 218.*

7. Each senator and assemblyman must be elected from within the district wherein he resides by the registered voters residing in that district.".

Amend sec. 9, page 6, line 26, by deleting "2" and inserting "[2] *4*".

Amend sec. 11, page 7, line 35, by deleting "4" and inserting "[4] *28*".

Amend sec. 12, page 8, line 36, by deleting "5" and inserting "[5] *42*".

Amend sec. 27, page 17, line 22, by deleting "20" and inserting "[20] *2*".

Amend sec. 28, page 18, line 2, by deleting "21" and inserting "[21] *20*".

Amend sec. 29, page 20, line 4, by deleting "22" and inserting "[22] *21*".

Amend sec. 30, page 20, line 30, by deleting "23" and inserting "[23] *22*".

Amend sec. 33, page 23, line 15, by deleting "26" and inserting "[26] *23*".

Amend sec. 34, page 24, line 16, by deleting "27" and inserting "[27] *26*".

Amend sec. 35, page 24, line 38, by deleting "28" and inserting "[28] *27*".

Amend sec. 49, page 34, line 10, by deleting "42" and inserting "[42] *5*".

Amend sec. 53, page 36, line 5, by deleting "3" and inserting "4".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 559 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 640 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 640 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 225.

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

Motion carried.

Senate Bill No. 241.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 500.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 655.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 640.
Bill read third time.
Remarks by Assemblyman Callister.
Roll call on Senate Bill No. 640:
YEAS—39.
NAYS—Wong.
Absent—Arberry, Bergevin—2.

Senate Bill No. 640 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 559.
Bill read third time.
Remarks by Assemblyman Price.
Assemblyman Myrna Williams moved that Assembly Bill No. 559 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Myrna Williams.
Motion carried.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 10:11 p.m.

ASSEMBLY IN SESSION

At 10:46 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 647 be placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 647.
Bill read third time.
Remarks by Assemblymen Porter, Lambert, Sader, McGaughey, Humke, Carpenter, Pettyjohn, Evans, Kerns, Stout, McGinness, Myrna Williams, Anderson and Marvel.
Roll call on Senate Bill No. 647:
YEAS—37.
NAYS—Bayley, Goetting, Stout, Wong—4.
Absent—Bergevin.

Senate Bill No. 647 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 647 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MATTHEW Q. CALLISTER, *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1563.

Amend sec. 2, page 1, line 4, by deleting "*6,* and inserting "*6.1,*".

Amend sec. 5, page 1, by deleting lines 12 and 13 and inserting:

Sec. 5. *"Hazard" means a characteristic of a:*

*1. Highly hazardous substance designated in section 7 of this act;*

*2. System involving the use of such a highly hazardous substance;*

*3. Manufacturing plant using or producing a highly hazardous substance; or*

*4. Process relating to a highly hazardous substance,*

*which makes possible a chemical accident.*".

Amend sec. 6, page 1, line 15, by deleting "*chemicals*" and inserting "*substances*".

Amend the bill as a whole by adding a new section, designated sec. 6.1, following sec. 6, to read as follows:

"Sec. 6.1. *"Risk" means a risk posed by a highly hazardous substance that is produced, used, stored or handled at a regulated facility.*".

Amend sec. 6.7, page 2, line 7, after "*transported*" by inserting "*within or*".

Amend sec. 6.7, page 2, line 8, after "*by the*" by inserting: "*state or the*".

Amend sec. 10, pages 6 and 7, by deleting lines 45 through 48 on page 6 and lines 1 through 17 on page 7 and inserting:

"Sec. 10. *1. The division shall charge and collect an inventory fee from each person who is required to register pursuant to the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. No. 99-499). The inventory fee is $100 and must be used by the division to cover the costs incurred in developing the inventory of regulated facilities pursuant to section 13 of this act. Each such registrant shall pay the inventory fee one time only and is not required to pay an inventory fee for each separately located facility.*

*2. In addition, each registrant who is the owner of a regulated facility shall pay to the division an annual fee based on the fiscal year. The annual fee for each registrant is the sum of a base fee set by the state environmental commission and any additional fee imposed by the commission pursuant to subsection 3. The annual fee must not be prorated or refunded.*

*3. The state environmental commission may impose an additional fee upon each registrant who is the owner of a regulated facility in an amount determined by the commission to be necessary to enable the division to carry out its duties pursuant to sections 2 to 34, inclusive, of this act. The additional fee must be based on a graduated schedule adopted by the commission which takes into consideration the volume of hazardous substances located at each facility.*

*4. After the initial inventory and the payment of the initial annual fee, the division shall send each registrant who is the owner of a regulated facility a bill in July for the annual fee for the fiscal year then beginning which is based on the applicable reports for the preceding year.*

*5. All fees collected pursuant to this section and any interest earned thereon must be deposited with the state*".

Amend sec. 17, page 9, by deleting line 22 and inserting: "*days after being notified by the division of the schedule established for the facility pursuant to section 16.5 of this act, designate a person or*".

Amend sec. 29, page 14, line 10, after "*3.*" by inserting: "*The governor shall appoint to the committee at least three persons who represent the facility or group of facilities which may represent a catastrophic threat to public health and safety.*

*4.*".

Amend sec. 29, page 14, line 12, by deleting "*4.*" and inserting "*5.*".

Amend sec. 36, page 18, line 18, by deleting "base" and inserting "inventory".

Amend sec. 36, page 18, by deleting lines 22 through 24 and inserting:

"4. On or before January 1, 1992, the division of environmental protection shall issue forms for the registration of facilities and substances.

5. On or before July 1, 1992:

(a) Each person who is required to register pursuant to the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. No. 99-499), shall register his facilities and substances with the division of environmental protection; and".

Amend sec. 36, page 18, by deleting lines 31 and 32.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

The following amendment was proposed by Assemblymen Carpenter and McGinness:

Amendment No. 1560.

Amend sec. 6.7, page 2, line 7, by deleting: "*to any*" and inserting: "*to:*

*1. Any*".

Amend sec. 6.7, page 2, between lines 8 and 9 by inserting:

"2. *Any use of a hazardous substance for an agricultural purpose.*".

Amend sec. 35, page 17, by deleting lines 39 and 40 and inserting: "of conservation and natural resources shall submit a report to the director of the legislative counsel bureau on or before March 1, 1993, for distribution to the 67th session of the Nevada legislature. The report must contain:".

Amend the bill as a whole by adding a new section designated sec. 35.5, following sec. 35, to read as follows:

"Sec. 35.5. 1. The executive director of the state department of agriculture, in cooperation with the division of environmental protection of the state department of conservation and natural resources, shall conduct a study of the handling of highly hazardous substances by farmers, ranchers and other persons who conduct agricultural or ranching activities.

2. On or before March 1, 1993, the executive director shall submit a report regarding the study conducted pursuant to subsection 1 to the director of the legislative counsel bureau for distribution to the 67th session of the Nevada legislature. The report must contain:

(a) A summary of the findings of the study;

(b) Recommendations regarding the need for safety requirements for the handling of highly hazardous substances by farmers and ranchers; and

(c) Any recommended legislation which may be required.".

Amend sec. 36, page 18, line 1, by deleting: "This act becomes" and inserting: "This section and sections 35 and 35.5 of this act become effective upon passage and approval. The remaining sections of this act become".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, McGinness and Sader.

Amendment lost on a division of the house.

Bill ordered reprinted, re-engrossed and to third reading.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day appointed Senators Titus, Raggio and O'Connell as a first Committee on Conference concerning Senate Bill No. 324.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Titus, Raggio and Adler as a first Committee on Conference concerning Senate Bill No. 395.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

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

Assembly in recess at 11:14 p.m.

## ASSEMBLY IN SESSION

At 12:05 a.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Senate Bill No. 655, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 825—An Act relating to the University of Nevada; authorizing the construction of a classroom and office complex at the campus of the University of Nevada, Las Vegas; authorizing the issuance of general obligation bonds of the state to pay the cost of the project; pledging certain revenues as additional security for such bonds; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 826—An Act relating to projects of capital improvement; making appropriations from the state general fund and the state highway fund; providing for the issuance of general obligation bonds of the state; authorizing certain expenditures by the state public works board; providing schedules of repayment for certain state agencies; levying a property tax to support the consolidated bond interest and redemption fund; and providing other matters properly relating thereto.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 807, 815, 818, 296 and 559 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## REMARKS FROM THE FLOOR

Assemblyman Myrna Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Mr. Speaker and members of the Assembly. I am really sad that Mr. Bergevin is not here today. It came to my attention that this was going to be his last session in the legislature. For those members who have been here, I think they know there has probably been no more of a volatile relationship, at least in committee, than Lou Bergevin and

Myrna Williams. However, once committee has been over, he has been a decent, fair friend. I don't mean to suggest that he hasn't been decent and fair in committee because he has. Our philosophies may be different; however, he has always treated me and everyone else in this body with the greatest respect and we will sincerely miss him.

We did have a plaque made up for Lou and, again, I am very sad that he can't be here. We will miss him greatly and I personally will miss sparring with him as we have on many occasions. You can see the plaque. It has the seal of the State of Nevada on it and it reads, "In appreciation to Louis W. Bergevin for his fourteen years of dedicated service to the State of Nevada from the members of the 1991 Nevada Assembly." In lieu of Mr. Bergevin not being here, I would like to present this to the Minority Leader to make sure that Lou gets it and we wish him well and good health.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. It is with great pride that I accept this on behalf of Lou. By the way, he is home. He is feeling much better, but he is still not ready to come back down here. I think in my 8 years in this house, that is at the end of this term, that Lou Bergevin has been the out-front people of this legislature for many years. I would suggest that tonight A.B. No. 303 and the tax bills that we are dealing with would never have been put together without his help. I think that, too, he has been a great role model for all of us as we have come into this house, from both sides of the aisle and we are going to miss him. I think the state is going to miss Lou Bergevin for his candor, his courage, and stand on the issues. Lou would tell you how it was, whether you liked it or not. I think that we will be probably worse off for having him gone but I'm glad he is going to be okay. His heart is kind of a problem and with some medicine and rest, he will be fine. Thank you.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. Briefly, I wanted to add to the comments of those already made. As Mrs. Williams had noted, there could scarcely be more dissimilar backgrounds than Mr. Bergevin's and my own. Of course, prior to this session, although I had known him and worked with him, I had not worked with him on any particular issue too closely. I had the opportunity over the last few weeks on the issues of taxation to have a chance to go one on one with Lou and it was an extraordinary experience. I learned much. I cannot say enough about his vision and leadership and most significantly his concern for the State of Nevada and doing the right thing whether it was politically expedient or not. He will be someone that I will long cherish and certainly think that we all owe him our debt and appreciation.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I am sorry that Lou isn't here tonight to receive this plaque because I think if there is any one man dedicated to serving the State of Nevada, it has been Lou Bergevin. Lou and I come from rather parallel backgrounds. We are both from ranching families. We worked together very closely in Nevada Cattlemen's Association. We were both presidents of the Nevada Cattlemen's Association, we served on the Nevada Tax Commission together and we came to the legislature at the same time. I think we are now, I guess you might say the senior citizens—only Mr. Dini and Mr. Price have served longer, even though I think that we are older than either of them. It has really been a pleasure having served with Lou. I think everybody here, you people in the audience, you lobbyists, always knew where he came from. I don't think there was ever an untruth that Lou ever stated to anybody. You may not have always agreed with him but, I think in his own mind, he was right and all of his decisions were honest and came from his heart and his intellect. The thing I really like about Lou is he is always so even-tempered

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, am proud and happy to say a few words about someone that I consider a very good friend, Lou Bergevin. He probably would be embarrassed if he were here listening to us. Lou and John came in 1979 which happened to be the first year that I was chairing Taxation, which was also the first year that I ever served on Taxation. I have had my guidance from John and Lou because of their experiences on the Tax Commission. I found Lou to be, he really is a role model, because if all of us had the ability to really do the right thing as we philosophically see without regard to what

consequence that we might have to suffer at election time, our state would probably be better served, the public would be better served. There are some people that we think are posturing or whatever from time to time, but not Lou Bergevin. He is a true leader, he has a love for our state and he has always served it to the best extent.

I know that I was told Lou went into World War II, I think, signing up as a grunt or sergeant or whatever and came out as an officer made in the field. That doesn't surprise me because he is a natural born leader. I have to tell you one of the small enjoyable times that I had the year I served in the minority, when the Republicans had the majority here, was serving on Government Affairs when Lou was chairman. Lou has often said things and told people to shape up in a manner that I never quite had the nerve to do but it was really fun to watch. I can tell you that he ran a tight ship in Government Affairs and when folks came down there, they testified on what they were supposed to be testifying on and there was no fooling around. It was enjoyable. Lou is a credit to our state and I am very pleased to be here tonight while we are taking this opportunity to honor him.

SPEAKER DINI:

Thank you, Mr. Price. With the permission of the House, I would just like to say that Lou and I have worked together these past 14 years in a real great working relationship. In the last two terms, he was the Minority Leader, and I was Speaker in '87 and '89 and we became very close. You know, leaders have to work together. There is a different philosophy or a different party but whenever there was a problem, we didn't go to the press and make headlines and big speeches. We went to the office and chatted about it and took care of the problem. He is a man that is easy to work with for me and we understood our problems, our mutual concerns and I think we always worked to the best interests of the state. I know that the legislature will miss his services. I am sorry to hear that he wants to retire but I don't blame him because I think he wants to enjoy a little bit of life and I hope that he has a very happy and fine retirement. He deserves it.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 26, 137, 178, 222, 406, 479, 529, 531, 592, 611, 641, 684, 823; Senate Bills Nos. 58, 166, 293, 305, 321, 341, 346, 348, 439, 541, 547, 548, 602, 631, 638, 644, 648; Senate Joint Resolution No. 21; Assembly Concurrent Resolutions Nos. 16, 26, 46, 79, 85, 90.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lawrence Rostine and Mrs. Irene Rostine.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 29, 1991 at 10:00 a.m.

Motion carried.

Assembly adjourned at 12:07 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SIXTIETH DAY

CARSON CITY (Saturday), June 29, 1991

Assembly called to order at 10:43 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Bergevin, who was excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we humbly bow our heads before Thee this morning as we begin what we hope will be the last day of this session. We wish to express our appreciation unto Thee for the help and strength that we enjoy, for the moisture that we have received. We pray especially that Thou will bless those who are ill and recovering from the effects of hard work, Mr. Bergevin, Senator Horn and Senator Hickey and others who have experienced difficulties, we pray that Thou will bless them.

We pray, Father in Heaven, that Thou will continue to bless the Assembly leadership, the Senate leadership and all of us who are here, that we will be able to bring a successful conclusion to this assembly. Help us each, individually, to work hard and to do those things that will help to bring the session to a close. May we resolve all the conflicts, any ill feelings and as we leave here, that we can leave with the knowledge and assurance that we have done the best job that we can for our constituency. We ask this prayer humbly, praying that Thou will be with us as we bring this session to a close. Thank You, again for all the blessings that Thou has given us. We say this in the name of the Messiah.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 103, 229, 258, 268, 295, 301, 386, 414, 442, 443, 513, 514, 517, 560, 580, 619, 728, 805.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 194, 286, 471, 685, 812, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 154, 338, 656.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 28.

JANICE L. THOMAS
*Secretary of the Senate*

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 586.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 647.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 588, 642.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 154.

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

Motion carried.

Senate Bill No. 338.

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

Motion carried.

Senate Bill No. 588.

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

Motion carried.

Senate Bill No. 642.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 656.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

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

Assembly in recess at 10:51 a.m.

## ASSEMBLY IN SESSION

At 11:02 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 824.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1569.

Amend section 1, page 1, line 15, after "3." by inserting: "The board shall, upon request, report the status and progress of its study to the legislative commission's interim study on gaming for its information and consideration.

4.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 241.

Bill read second time and ordered to third reading.

Senate Bill No. 420.

Bill read second time and ordered to third reading.

Senate Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1373.

Amend sec. 12, page 3, by deleting lines 2 through 5 and inserting: "of reduced premiums.

3. The premiums paid for a plan of insurance pursuant to this chapter are not subject to the premium tax imposed pursuant to chapter 680B of NRS.".

Amend sec. 12, page 3, line 6, by deleting "3." and inserting "4.".

Amend sec. 16, page 3, lines 38 and 39, by deleting: "tax credits granted,".

Amend sec. 17, page 4, line 12, by deleting "and".

Amend sec. 17, page 4, line 13, by deleting "organizations." and inserting: "organizations;

(f) One representative of employers who must be an employer, as defined in section 2 of this act; and

(g) The commissioner of insurance.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

Senate Bill No. 655.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1565.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 26 of Assembly Bill No. 104 of this session is hereby amended to read as follows:

Sec. 26. [As soon as practicable after the effective date of this act, the] *The* state controller shall distribute the remaining balance of the emergency fund of the supplemental city-county relief tax to the local governments in the same proportion as the proceeds of the supplemental city-county relief tax were distributed for the 1990-1991 fiscal year [.] , *after all appropriations made from the fund by the 66th session of the Nevada Legislature have been distributed.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which were referred Senate Bills Nos. 294, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The second Committee on Conference concerning Senate Bill No. 7, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 33, which is attached to and hereby made a part of this report.

| | |
|---|---|
| CHRIS R. GIUNCHIGLIANI | LEONARD V. NEVIN |
| DOUGLAS ALBERT BACHE | RANDOLPH J. TOWNSEND |
| JOHN W. MARVEL | ANN O'CONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 33.

Amend sec. 4, page 3, line 9, by deleting "*claim*" and inserting: "*temporary total disability*".

Amend sec. 8, page 3, line 29, by deleting "*administrator*" and inserting "*manager*".

Amend sec. 9, page 3, lines 32 and 33, by deleting "*declaration*" and inserting "*affidavit*".

Amend sec. 12, page 4, line 20, after the period by inserting: "*The injured employee must not be penalized for refusing to use a health facility or service in which the physician or chiropractor has a financial interest, if the injured employee promptly notifies the insurer in writing of his objection to using the facility or service.*".

Amend sec. 13, pages 4 and 5, by deleting lines 27 through 48 on page 4 and lines 1 through 5 on page 5 and inserting:

"Sec. 13. *1. An insurer may authorize a referral for treatment outside this state if:*

*(a) The injured employee lives outside this state;*

*(b) The required treatment or specialty is not available in this state; or*

*(c) The injury occurs outside this state and emergency medical care is required.*

*2. If the injured employee resides in this state and the required treatment or specialty is available in this state, and if emergency medical care is not required, the insurer may authorize treatment outside this state if:*

*(a) The injured employee, the employer or the insurer requests such treatment in writing;*

*(b) The insurer's medical advisor indicates in writing that the request is appropriate; and*

*(c) A licensed physician or chiropractor, selected by the insurer, whose specialty is most directly related to the employee's injury, concurs in writing that the request is appropriate. If the physician or chiropractor does not render an opinion within 10 days after the insurer's request, the request for treatment outside this state shall be deemed concurred in by the physician or chiropractor.*

*3. Unless the injured employee lives outside this state, the necessary medical care is unavailable in this state or a medical emergency exists, an injured employee who requests medical services outside this state must be reimbursed for travel and mileage only to the nearest place within this state where adequate medical care is available.*".

Amend sec. 14, page 5, line 7, after "*manent*" by inserting "*partial*".

Amend sec. 17, page 5, line 41, by deleting "*A person*" and inserting: "*Except as otherwise provided in subsection 3, a person*".

Amend sec. 17, page 6, between lines 4 and 5, by inserting:

"*3. The commissioner may, under exceptional circumstances, waive the requirements of subsection 2.*".

Amend sec. 18, page 6, by deleting line 8 and inserting: "*2. A self-insured employer*".

Amend sec. 18, page 6, by deleting lines 13 and 14.

Amend sec. 21, page 6, lines 25 and 26, by deleting: "*if:*

*(a) He*" and inserting "*if he*".

Amend sec. 21, page 6, line 27, by deleting "*; or*" and inserting an italicized period.

Amend sec. 21, page 6, by deleting lines 28 through 30.

Amend sec. 21, page 7, line 11, after "*employer*" by inserting: "*who has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification,*".

Amend sec. 23, page 7, line 34, by deleting "*any person*" and inserting: "*an insurer, employer or claimant, or the representative of an insurer, employer or claimant,*".

Amend sec. 24, page 7, line 41, after "*insurer*" by inserting ", *an employer*".

Amend sec. 26, page 8, line 37, by deleting: "*or does not cooperate*".

Amend sec. 27, page 8, line 42, after "*employer*" by inserting: "*that it insures*".

Amend sec. 28, page 8, line 46, by deleting "*A team*" and inserting: "*Each such team*".

Amend sec. 28, page 9, line 1, after "*examiner*" by inserting: "*who is a member of such a team*".

Amend sec. 32, page 10, by deleting lines 12 and 13 and inserting:

"*(1) That the injured employee is urged to seek assistance and advice from the Nevada attorney for injured workers or to consult with a private attorney*".

Amend sec. 32, page 10, between lines 21 and 22 by inserting:

"*4. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.*".

Amend sec. 34, page 10, line 40, by deleting: "*by a competitive bid*" and inserting: "*from bids received*".

Amend sec. 34, page 10, line 42, by deleting "*competitive*".

Amend sec. 34, page 10, by deleting line 46 and inserting: "*employees, including the average costs of the placement of those employees in other employment;*".

Amend sec. 34, page 11, by deleting lines 1 through 4 and inserting:

"*(c) The services provided by a bidder with regard to training injured employees for and placing them in other employment, and the average rates of pay for that employment; and*".

Amend sec. 34, page 11, line 5, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 35, page 11, by deleting lines 14 through 18 and inserting:

"Sec. 35. (Deleted by amendment.)".

Amend sec. 36, page 11, line 23, by deleting the period and inserting: "*if the injury is of a type that might have caused such a loss.*".

Amend sec. 42, page 13, between lines 10 and 11, by inserting:

"*3. This section does not affect the relationship between a principal contractor and a subcontractor or independent contractor for any purpose outside the scope of this chapter.*".

Amend sec. 44, page 13, lines 45 and 46, by deleting: "*complaints from injured employees only as provided by specific statute.*" and inserting "*complaints.*".

Amend sec. 44, page 14, between lines 3 and 4, by inserting:

"*6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than $1,000 against the self-insured employer.*

*Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the commissioner of insurance.*".

Amend sec. 47, page 15, line 4, by deleting "*refers*" and inserting "*recommends*".

Amend sec. 47, page 15, between lines 16 and 17, by inserting:

"*6. If an insurer cannot locate an injured employee for whom it has ordered vocational rehabilitative services, the insurer may close his claim 21 days after the insurer determines that the employee cannot be located. The insurer must make a reasonable effort to locate the employee.*

*7. The reappearance of the injured employee after his claim has been closed does not automatically reinstate his eligibility for vocational rehabilitative benefits. If the employee wishes to reestablish his eligibility for such benefits, he must file a written application with the insurer to reinstate his claim. The insurer shall reinstate the employee's claim if good cause is shown for the employee's absence.*".

Amend sec. 48, pages 15 and 16, by deleting lines 17 through 46 on page 15 and lines 1 through 13 on page 16 and inserting:

"Sec. 48. (Deleted by amendment.)".

Amend sec. 49, page 16, by deleting lines 32 through 34.

Amend sec. 49, page 17, line 1, by deleting: "*making a determination*" and inserting: "*a determination is made*".

Amend sec. 54, page 18, line 29, by inserting an open bracket before "within".

Amend sec. 54, page 18, line 30, by inserting a closed bracket after the comma.

Amend sec. 54, page 18, line 32, after "*must*" by inserting: "*be postmarked within 6 working days after receipt of knowledge of the accident and, if the injured employee is expected to be off work for 5 days or more, must*".

Amend sec. 54, page 18, line 39, after "3." by inserting: "*Each employer who files a report of an injury with the insurer shall file a full report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury. The report must be:*

*(a) Signed by the employer or his designee; and*

*(b) Furnished to the insurer in the form prescribed and contain specific answers to all questions required by the regulations of the department.*

*4.*".

Amend sec. 54, page 18, by deleting lines 43 through 45 and inserting:

"[4. Any employer who fails to comply with the provisions of subsection 2 may be fined not more than $250 for each failure.]".

Amend sec. 55, pages 18 and 19, by deleting lines 46 through 48 on page 18 and lines 1 through 27 on page 19 and inserting:

"Sec. 55. (Deleted by amendment.)".

Amend sec. 57, page 20, by deleting line 18 and inserting: "*physician or chiropractor in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the*".

Amend sec. 58, page 20, by deleting line 46 and inserting: "physician or chiropractor in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the".

Amend sec. 59, page 21, line 26, by deleting "*within 6*" and inserting: "*, must be postmarked within 3*".

Amend sec. 60, page 21, lines 34 and 35, by deleting the brackets.

Amend sec. 60, page 21, lines 39 and 40, by deleting: "prescribed *, be postmarked* within 6" and inserting: "prescribed, [must] be postmarked within 3".

Amend sec. 67, page 27, between lines 24 and 25, by inserting:

"*5. The department shall adopt regulations requiring the utilization of a system of billing codes as recommended by the American Medical Association.*".

Amend sec. 70, page 29, line 7, by deleting "fund" and inserting "account".

Amend sec. 70, page 29, line 12, by deleting "fund" and inserting "account".

Amend sec. 70, page 29, line 30, by deleting: "In order to" and inserting "To".

Amend sec. 70, page 29, line 31, by deleting "fund," and inserting "account,".

Amend sec. 70, page 29, line 33, by deleting: "that the employee was hired" and inserting: "the employee was hired".

Amend sec. 70, page 29, line 36, by deleting "fund" and inserting "account".

Amend sec. 70, page 29, line 40, by deleting: "fund . [may" and inserting: "account . [must".

Amend sec. 70, page 29, line 44, by deleting "fund" and inserting "account".

Amend sec. 79, page 34, line 35, by deleting "*injury fund,*" and inserting "*injury account,*".

Amend sec. 79, page 34, line 41, by deleting "*injury fund*" and inserting "*injury account*".

Amend sec. 79, page 35, line 1, by deleting "*injury fund*" and inserting "*injury account*".

Amend sec. 79, page 35, line 15, by deleting "*injury fund*" and inserting "*injury account*".

Amend sec. 79, page 35, line 20, by deleting "*injury fund*" and inserting "*injury account*".

Amend sec. 79, page 35, line 32, by deleting "*fund*" and inserting "*account*".

Amend sec. 79, page 35, between lines 43 and 44, by inserting:

"*6. For the purposes of calculating an employer's premium, the employer's account with the system must be credited with an amount equal to that recovered by the system from a third-party pursuant to this section, less the*

*system's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of compensation actually paid or reserved by the system on the injured employee's claim.*".

Amend sec. 85, page 38, line 27, by deleting "*7*" and inserting "*30*".

Amend sec. 92, page 42, lines 38 and 39, by deleting: "may [impose an]" and inserting: "[may impose an] *shall*".

Amend sec. 97, page 44, by deleting lines 25 through 38 and inserting:

"Sec. 97. (Deleted by amendment.)".

Amend sec. 98, page 44, line 40, after the closed bracket by inserting "*1.*".

Amend sec. 98, page 44, between lines 43 and 44, by inserting:

"*2. This section does not affect the relationship between a principal contractor and a subcontractor or independent contractor for any purpose outside the scope of this chapter.*".

Amend sec. 118, page 51, by deleting lines 40 through 43 and inserting: "*board of county commissioners shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:*".

Amend sec. 118, page 52, line 3, by deleting "*declaration*" and inserting "*affidavit*".

Amend sec. 118, page 52, lines 5 and 6, by deleting "*a declaration*" and inserting "*an affidavit*".

Amend sec. 118, page 52, line 7, by deleting "*a declaration*" and inserting "*an affidavit*".

Amend sec. 119, page 52, by deleting lines 17 through 20 and inserting: "*such a license unless the applicant for the license signs an affidavit affirming that the business:*".

Amend sec. 119, page 52, line 28, by deleting "*declaration*" and inserting "*affidavit*".

Amend sec. 119, page 52, line 32, by deleting "*a declaration*" and inserting "*an affidavit*".

Amend sec. 119, page 52, line 33, by deleting "*a declaration*" and inserting "*an affidavit*".

Amend the bill as a whole by adding new sections designated sections 122.3 and 122.6, following sec. 122, to read as follows:

"Sec. 122.3. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony; or

(c) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

*5. Referring an injured employee to a health facility in which the licensee has a financial interest unless he first discloses that interest pursuant to section 12 of this act.*

Sec. 122.6. NRS 634.190 is hereby amended to read as follows:

634.190 1. The person charged is entitled to a hearing before the board, but the failure of the person charged to attend his hearing or his failure to defend himself does not delay or void the proceedings. The board may, for good cause shown, continue any hearing from time to time.

2. If the board finds the person guilty as charged in the complaint, it may by order:

(a) Place the person on probation for a specified period or until further order of the board.

(b) Administer to the person a public or private reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of chiropractic.

(d) Suspend the license of the person to practice chiropractic for a specified period or until further order of the board.

(e) Revoke the license of the person to practice chiropractic.

(f) Impose a fine of not more than $5,000, which must be deposited with the state treasurer for credit to the state general fund.

The order of the board may contain such other terms, provisions or conditions as the board deems proper and which are not inconsistent with law.

*3. If the board finds that a licensee has violated the provisions of section 12 of this act, it shall suspend his license for a specified period or until further order of the board.*".

Amend sec. 125, page 54, line 39, by deleting "two" and inserting "four".

Amend sec. 125, page 54, line 41, by deleting "two" and inserting "four".

Amend sec. 125, page 55, by deleting lines 4 and 5 and inserting:

"5. The members of the committee may meet no more than eight times during the 1991-92 biennium at the times and places and in the manner".

Amend sec. 125, page 55, line 9, by deleting "Three" and inserting "Five".

Amend sec. 125, page 55, line 21, after the period by inserting: "The expenses of the committee must be reported to the legislative commission and the state industrial insurance system. The system shall forward the report to each employer insured by it.".

Amend sec. 125, page 55, line 28, after "before" by inserting "the".

Amend sec. 125, page 55, between lines 29 and 30, by inserting:

"9. Any regulation proposed to be adopted as a permanent regulation during the 1991-92 biennium pursuant to authority granted by the provisions of chapter 616 of NRS must be submitted to the committee for its review.".

Amend the bill as a whole by adding new sections designated sections 125.3 and 125.6, following sec. 125, to read as follows:

"Sec. 125.3. The regulations required by subsection 5 of NRS 616.412 must be adopted and effective on or before January 1, 1992.

Sec. 125.6. The state industrial insurance system shall conduct a study of cases of stress in this state, including without limitation how such cases are handled and how the courts respond to them, and submit a report containing its findings on or before February 1, 1993, to the director of the legislative counsel bureau for transmittal to the 67th session of the legislature.".

Amend sec. 126, page 55, line 30, after "19 to" by inserting: "27, inclusive, 29 to".

Amend sec. 126, page 55, line 32, by deleting "125," and inserting "125.6,".

Amend sec. 126, page 55, line 34, by deleting "12:01" and inserting "12:02".

Amend sec. 126, page 55, line 36, by deleting: "57, 65 and 72" and inserting: "28, 57, 60, 65, 72 and 83".

Amend sec. 126, page 55, line 37, by deleting: "48, 55, 58, 60, 75, 83," and inserting "58, 75,".

Amend the title of the bill, by deleting the seventh and eighth lines and inserting: "fits for injured employees; eliminating the division of".

Assemblyman Bache moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 7.

Remarks by Assemblyman Bache.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 290.

The following Senate amendment was read:

Amendment No. 1215.

Amend section 1, page 1, by deleting lines 5 through 7, and inserting:

"2. *The chairman of the legislative commission shall appoint to the subcommittee:*

*(a) A senator whose district includes the Carson City capitol complex or a portion thereof;*

*(b) An assemblyman whose district includes the Carson City capitol complex or a portion thereof; and*

*(c) Three other members of the legislature.*

*The chairman shall designate one of the members of the subcommittee as chairman.*".

Amend section 1, page 2, by deleting lines 6 through 8.

Amend section 1, page 2, line 9, by deleting "*8.*" and inserting "*7.*".

Amend section 1, page 2, line 13, by deleting "*9.*" and inserting "*8.*".

Amend section 1, page 2, line 21, by deleting "*10.*" and inserting "*9.*".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 290.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 685.

The following Senate amendment was read:

Amendment No. 1528.

Amend sec. 13, page 6, by deleting lines 33 and 34 and inserting:

"8. A transfer of title to or from a trust, if the transfer is made without consideration.".

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

"Sec. 14. Section 13 of this act becomes effective at 12:01 a.m. on October 1, 1991.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 685.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 194.

The following Senate amendment was read:

Amendment No. 1517.

Amend sec. 2, page 1, by deleting lines 17 and 18 and inserting:

"Sec. 2. 1. The attorney general may transfer from the amount appropriated to the special litigation account of the attorney general for fiscal year 1991-92, to the revolving account for the office of the attorney general created pursuant to section 1 of this act, the sum of $5,000.

2. Notwithstanding any other provision of law, the sum transferred to the revolving account for the office of the attorney general pursuant to subsection 1 may be committed for expenditure after June 30, 1992, and does not revert to the state general fund.".

Amend the title of the bill, second and third lines, by deleting: "making an appropriation;".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 194.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 130.

The following Senate amendment was read:

Amendment No. 1259.

Amend sec. 2, page 1, line 17, by deleting: "*one of its purposes*" and inserting: "*its primary purpose the*".

Amend sec. 3, page 1, by deleting lines 19 through 21 and inserting:

"Sec. 3. *1. The state shall not discriminate in any way among its employees on account of*".

Amend sec. 3, page 2, between lines 3 and 4 by inserting:

"*3. The bargaining unit of an employees' organization that represents employees of the Nevada highway patrol division of the department of motor vehicles and public safety who exercise the police powers specified in NRS*

*481.150 and 481.180 must be composed exclusively of those employees. The bargaining unit for all other employees must be composed exclusively of those employees.*".

Amend sec. 4, page 2, line 6, by deleting "*employees,*" and inserting: "*employees in a bargaining unit,*".

Amend sec. 4, page 2, line 7, by deleting "*employees.*" and inserting: "*employees in that bargaining unit.*".

Amend sec. 5, page 2, line 10, by deleting "*employees,*" and inserting: "*employees in the bargaining unit for which it was selected,*".

Amend sec. 5, page 2, line 12, by deleting "*employees.*" and inserting: "*employees in that bargaining unit.*".

Amend sec. 5, page 2, line 16, by deleting "*employees,*" and inserting: "*employees in that bargaining unit,*".

Amend sec. 6, page 2, line 21, after "*employees*" by inserting: "*in the bargaining unit for which it was selected,*".

Amend sec. 6, page 2, line 22, by deleting "*the employees.*" and inserting "*those employees.*".

Amend the bill as a whole by deleting sections 8 through 11 and inserting: "Secs. 8-11. (Deleted by amendment.)".

Amend sec. 12, page 5, line 5, after "*employees*" by inserting: "*of a bargaining unit*".

Amend sec. 12, page 5, by deleting line 9 and inserting: "*submit the dispute to arbitration.*

*3. If the parties are unable to agree on an impartial arbitrator within 5 days, either party may request from the American Arbitration Association a list of seven potential arbitrators. The parties shall select their arbitrator from this list by alternatively striking one name until the name of only one arbitrator remains, who must be the arbitrator to hear the dispute in question. The employees' organization shall strike the first name.*

*4. The state and the employees' organization each shall pay one-half of the cost of arbitration. Each party shall pay its own cost of preparation and presentation of its case to arbitration.*

*5. Except as otherwise provided in this subsection, the decision of the arbitrator is final and binding. If a matter resolved through arbitration of a dispute must be presented to the legislature for approval, the arbitration is binding in that it requires the parties to present fairly to the legislature the facts determined through arbitration.*".

Amend sec. 12, page 5, line 10, by deleting "*3.*" and inserting "*6.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 130.

Remarks by Assemblymen Garner and Stout.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 1502.

Amend sec. 4, page 3, by deleting lines 28 through 30 and inserting "*361.155.*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 361.140 is hereby amended to read as follows:

361.140 1. In addition to the corporations defined by law to be charitable corporations there are hereby included:

(a) Any corporation whose objects and purposes are religious, educational or for public charity and whose funds have been derived in whole or substantial part from [public donations,] *grants or other donations from governmental entities or donations from the general public, or both,* not including donations from any officer or trustee of the corporation; and

(b) Any corporation prohibited by its articles of incorporation from declaring or paying dividends, and where the money received by it is devoted to the general purpose of charity and no portion of the money is permitted to inure to the benefit of any private person engaged in managing the charity, *except reasonable compensation for necessary services actually rendered to the charity,* and where indigent persons without regard to race or color may receive medical care and attention without charge or cost.

2. All buildings belonging to a corporation defined in subsection 1, together with the land actually occupied by the corporation for the purposes described and the personal property actually used in connection therewith, are exempt from taxation when used solely for the purpose of the charitable corporation.".

Amend sec. 9, page 6, by deleting line 47 and inserting: "before [November 1 of the year preceding the year for which the tax is levied.] *June 15.*".

Amend sec. 9, page 7, line 4, after "2." by inserting: "[Any tax exemption granted pursuant to this chapter for real property which is transferred to a new owner before June 15, or any other date designated for this purpose by the board of county commissioners, must be reviewed and, if appropriate, adjusted or removed from the tax roll for the next succeeding fiscal year.]".

Amend sec. 9, page 7, by deleting lines 20 through 24.

Amend sec. 11, page 8, by deleting line 42 and inserting: "2. [Any] *At any time before the lien date for the following*".

Amend sec. 11, page 9, line 3, by deleting "Any" and inserting: "*An improvement on*".

Amend sec. 14, page 10, line 30, by deleting "4. [When" and inserting "[4. When".

Amend sec. 14, page 10, line 34, by deleting: "*If an exempt*".

Amend sec. 14, page 10, by deleting lines 35 through 39.

Amend sec. 19, page 12, by deleting lines 17 through 23 and inserting: "appears upon the secured tax roll of any county because of a factual error concerning its existence , [on July 1,] zoning, use, size [or age,] *or age or legal or physical restrictions on its use or the partial or complete destruction or removal of an improvement or secured personal property as of the lien date on July 1,*".

Amend the bill as a whole by renumbering sections 39 and 40 as sections 41 and 42 and adding new sections designated sections 39 and 40, following section 38, to read as follows:

"Sec. 39. Section 6 of Senate Bill No. 62 of this session is hereby amended to read as follows:

Sec. 6. NRS 360.283 is hereby amended to read as follows:

360.283 1. The department shall adopt regulations to establish a method of determining annually the population of each *township,* city and county in this state and estimate the population of each *township,* city and county pursuant to those regulations.

2. The department shall issue an annual report of the estimated population of each *township,* city and county in this state.

3. Any city or county in this state may petition the department to revise the estimated population of that city or county. *No such petition may be filed on behalf of a township.* The department shall by regulation establish a procedure to review each petition and to appeal the decision on review.

4. The department shall, upon the completion of any review and appeal thereon pursuant to subsection 3, determine the population of each *township,* city and county in this state, and submit its determination to the governor.

5. The department shall employ a demographer to assist in the determination of population pursuant to this section and to cooperate with the Federal Government in the conduct of each decennial census as it relates to this state.

Sec. 40. Section 7 of Senate Bill No. 62 of this session is hereby amended to read as follows:

Sec. 7. NRS 360.285 is hereby amended to read as follows:

360.285 1. For the purposes of this Title, the governor shall, on or before March 1 of each year, certify the population of each *township,* city and county in this state from the determination submitted to him by the department.

2. Where any tax is collected by the department for apportionment in whole or in part to any political subdivision and the basis of the apportionment is the population of the political subdivision, the department shall use the populations certified by the governor. The transition from one such certification to the next must be made on July 1 following the certification for use in the fiscal year beginning then. Every payment before that date must be based upon the earlier certification and every payment on or after that date must be based upon the later certification.

Amend the title of the bill, ninth line, after the semicolon by inserting: "clarifying the exemptions from property taxes for certain charitable corporations;".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 82.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Price moved that the Assembly do not recede from its action on Senate Bill No. 416, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Price.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Spriggs, Myrna Williams and Giunchigliani as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 416.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 790.

The following Senate amendment was read:

Amendment No. 1363.

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "complying with any of the provisions of NRS [706.011 to 706.791, inclusive, except the requirements of this section.] *706.291 to 706.453, inclusive, 706.471 to 706.746, inclusive, 706.753 and 706.791.*".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 790.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 812.

The following Senate amendments were read:

Amendment No. 1469.

Amend section 1, page 1, by deleting lines 3 through 21 and inserting:

"*1. The commission shall, by regulation, establish a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or gasoline. The program must be substantially similar to the program established in the State of California.*

*2. The director of the state department of conservation and natural resources shall review each amendment, repeal or other revision of a law or regulation of the State of California relating to the program established pursuant to subsection 1 to determine its appropriateness for this state. The director shall recommend to the commission any such provisions which he deems necessary or appropriate to ensure that program remains substantially similar to the program established in the State of California.*".

Amend section 1, page 1, line 22, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, line 6, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, by deleting line 7 and inserting: "*vehicle that has a manufacturer's gross vehicle weight rating of 8,500 pounds or more.*".

Amend sec. 2, page 2, by deleting lines 28 and 29, and inserting:

"*6. "Light-duty motor vehicle" means a motor vehicle that has a manufacturer's gross vehicle weight rating of less than 8,500 pounds.*".

Amend sec. 3, pages 2 and 3, by deleting lines 35 through 48 on page 2 and lines 1 through 44 on page 3, and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 4, page 3, by deleting lines 47 and 48 and inserting: "sory [motor vehicle emission] inspection program is limited as follows:".

Amend sec. 4, page 4, line 2, by deleting "*1992, all*" and inserting: "*1993, all passenger cars and light-duty*".

Amend sec. 7, page 5, line 14, by deleting "[75]" and inserting "[87.50]".

Amend sec. 7, page 5, line 15, by deleting "[3]" and inserting "[3.50]".

Amend sec. 7, page 5, by deleting line 29 and inserting: "*each form issued pursuant to subsection 1.*".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 366.190 is hereby amended to read as follows:

366.190 1. Except as otherwise provided in subsection 2, a tax is hereby imposed at the rate of 22 cents per gallon on the sale or use of special fuels.

2. A tax is hereby imposed at the rate of 18 cents per gallon on the sale or use of *liquefied petroleum gas and* compressed natural gas.".

Amend sec. 11, page 6, line 22, after the period by inserting: "The term includes low-sulfur diesel fuel and reformulated gasoline which comply with the regulations adopted by the United States Environmental Protection Agency.".

Amend sec. 15, page 6, line 29, after "the" by inserting "state".

Amend sec. 16, page 6, lines 33 and 34, by deleting: "body by contract or franchise." and inserting "body.".

Amend sec. 22, page 7, line 17, by deleting "requirement" and inserting "requirements".

Amend sec. 23, page 7, by deleting lines 18 through 30 and inserting:

"Sec. 23. (Deleted by amendment.)".

Amend sec. 28, pages 8 and 9, by deleting lines 45 through 48 on page 8 and lines 1 through 13 on page 9, and inserting:

"2.] *The state board of agriculture shall adopt regulations relating to the standards for fuel, including diesel fuel used in internal combustion engines, which are substantially similar to the laws and regulations of the State of California relating to those standards.*

*2. The state board of agriculture shall review each amendment, repeal or other revision of a law or regulation of the State of California relating to those standards to determine its appropriateness for this state. The board shall adopt any regulation based on a law or regulation of the State of California which the board determines is necessary or appropriate for this state to ensure that the regulations adopted by the board remain substantially similar to the laws and regulations adopted by the State of California concerning those standards.*".

Amend sec. 28, page 9, line 14, by deleting "*4.*" and inserting "*3.*".

Amend sec. 28, page 9, line 20, by deleting "*5.*" and inserting "*4.*".

Amend sec. 28, page 9, line 21, by deleting "*6.*" and inserting "*5.*".

Amend the bill as a whole by adding a new section designated sec. 28.5, following sec. 28, to read as follows:

"Sec. 28.5. 1. The state environmental commission shall conduct an interim study relating to the conversion of fleets to the use of alternative fuels.

2. The state environmental commission shall, not later than January 18, 1993, submit a report of the results of the study to the director of the legislative counsel bureau for presentation to the 67th session of the legislature.

3. The report must include a schedule for the conversion of fleets to the use of alternative fuels. The report must also include a list of the vehicles and engines which comply with the standards adopted by the United States Environmental Protection Agency and the vehicles and engines which must be converted to the use of alternative fuels.".

Amend sec. 29, page 9, by deleting lines 34 through 36 and inserting:

"(d) Incentives to encourage the use of alternative fuels.".

Amend the title of the bill, first line, by deleting "clean air;" and inserting: "motor vehicles; imposing a tax on liquefied petroleum gas;".

Amendment No. 1495.

Amend sec. 7, page 3, by deleting lines 45 and 46 and inserting: "accounted for in the pollution control account, which is hereby created in the state general fund:".

Amend sec. 7, page 4, line 18, by deleting "fund" and inserting "account".

Amend the title of the bill, first line, by deleting "imposing a" and inserting "reducing the".

Amendment No. 1518.

Amend sec. 11, page 5, line 18, by deleting the period and inserting: "pursuant to the standards for the control of emissions from motor vehicles established in the Clean Air Act Amendments of 1990 (Pub. L. No. 101-549, Nov. 15, 1990).".

Assemblyman Spitler moved that the Assembly concur in the Senate amendments to Assembly Bill No. 812.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 466.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, page 1, by deleting line 4 and inserting: "director of the department of commerce the sum of $50,000 to develop or contract for".

Amend sec. 3, page 1, by deleting lines 10 and 11 and inserting:

"Sec. 2. 1. The director of the department of commerce shall not expend or contract for the expenditure of any money from the appropriation".

Amend sec. 3, page 1, line 12, by deleting "2" and inserting "1".

Amend sec. 3, page 1, by inserting between lines 15 and 16:

"2. The director may contract with any legal entity for the development of the plan, including, without limitation, a natural person, a corporation, a partnership, an association, a trust, a joint venture, an unincorporated organization, or any other form of business organization. The director is not required to expend or contract for the expenditure of the money appropriated by section 1 of this act unless he is satisfied that at least $50,000 has been committed for expenditure from a source other than the State of Nevada in accordance with subsection 1.".

Amend sec. 4, page 1, line 16, by deleting "2" and inserting "1".

Amend the title of the bill, first line, by deleting: "creating the fund for venture capital;".

Amend the title of the bill, fourth and fifth lines, by deleting: "administer the fund and".

Amend the summary of the bill by deleting the first line and inserting: "Summary—Makes appropriation for development of plan for pro-".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 286.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

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

Assembly in recess at 11:22 a.m.

## ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 656, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

*Mr. Speaker:*

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Haller moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Haller.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 471.

The following Senate amendment was read:

Amendment No. 1527.

Amend the bill as a whole by deleting sections 2 and 3 and inserting:

"Secs. 2 and 3. (Deleted by amendment.)".

Amend sec. 4, page 1, lines 23 and 24 by deleting: "*state board of examiners*" and inserting: "*director of the state department of conservation and natural resources*".

Amend sec. 4, page 1, by deleting line 25 and inserting: "*contingency fund.*".

Amend sec. 4, page 2, line 1, by deleting: "*state board of examiners*" and inserting: "*director of the state department of conservation and natural resources*".

Amend sec. 4, page 2, by deleting line 3 and inserting: "*shall, if he finds that a special distribution should be made, request approval from the state board of examiners and*".

Amend sec. 4, page 2, lines 6, by deleting the period and inserting: "*or the director of the state department of conservation and natural resources.*".

Amend sec. 4, page 2, line 7, after "*examiners*" by inserting: "*and the director of the state department of conservation and natural resources*".

Amend sec. 4, page 2, by deleting lines 11 through 15 and inserting:

"*4. The interim finance committee may make a special distribution from the contingency fund if it finds that:*

*(a) The grant will be expended to assist local governments in the defense and protection of water rights and supplies of water, on behalf of the people of this state, from any challenge or encroachment originating outside of this state; and*".

Amend sec. 4, page 2, lines 18 and 19, by deleting "*section shall*" and inserting: "*section:*

*(a) Shall provide an amount of money at least equal to the allocation which must be used for the same purpose.*

*(b) May, in accomplishing the public purpose set forth in paragraph (a) of subsection 4, use the money to employ legal counsel and other consultants necessary to participate in or negotiate the settlement of judicial or administrative proceedings concerning water rights or supplies of water.*

*(c) Shall*".

Amend sec. 4, page 2, line 22, after "*6.*" by inserting: "*The total of the special distributions made by the interim finance committee pursuant to this section must not exceed $250,000 during each biennium.*".

Amend sec. 4, page 2, lines 23 and 24 by deleting: "*fund for the defense of interstate water litigation*" and inserting "*contingency fund*".

Amend sec. 4, page 2, between lines 25 and 26, by inserting:

"*7. As used in this section, "local government" means a political subdivision of this state, including, without limitation, a city, county, irrigation district, water district or water conservancy district.*".

Amend sec. 5, page 3, line 2, by deleting: "subsections 4 and 6" and inserting "subsection 5".

Amend sec. 5, page 3, line 3, by deleting "341.145," and inserting "341.145 and".

Amend sec. 6, page 3, by deleting lines 29 through 31 and inserting:

"Sec. 6. NRS 353.266 is hereby amended to read as follows:

353.266 1. The contingency fund is hereby created as a trust fund. Money for the fund must be provided by direct legislative appropriation.

2. Money in the contingency fund may be allocated and expended within the limitations and in the manner provided in NRS 353.268 and 353.269 [:] *and section 4 of this act:*

(a) For emergency use to supplement regular legislative appropriations which fail to cover unforeseen expenses.

(b) To meet expenses under requirements of law.".

Amend sec. 7, page 3, by deleting line 32 and inserting:

"Sec. 7. 1. This section, sections 1 to 4, inclusive, and section 6 of this act, become effective on July 1, 1991.

2. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to water; authorizing the interim finance committee to make a special distribution from the contingency fund to a local government for the defense of interstate water litigation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes interim finance committee to make special distribution from contingency fund to local governments for defense of interstate water litigation. (BDR 48-1952)".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 471.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 192, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, Kerns and Garner as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 192.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 255.

The following Senate amendment was read:

Amendment No. 1445.

Amend sec. 1.5, pages 1 and 2, by deleting lines 10 through 24 on page 1 and lines 1 through 10 on page 2, and inserting:

"Sec. 1.5. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 6.2 and 6.4 and inserting:

"Secs. 6.2 and 6.4. (Deleted by amendment.)".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 255.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 678.

The following Senate amendment was read:

Amendment No. 1452.

Amend the bill as a whole by adding new sections designated sections 5.3 through 5.7, following sec. 5, to read as follows:

"Sec. 5.3. NRS 644.090 is hereby amended to read as follows:

644.090 The board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License [facilities for demonstrations,] cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

5. Inspect [facilities for demonstrations,] schools of cosmetology and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the board. This authority extends to any member of the board or its authorized employees.

Sec. 5.5. NRS 644.110 is hereby amended to read as follows:

644.110 The board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed [under] *pursuant to* the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body, except the scalp.

6. For governing the conduct of cosmetological establishments . [and facilities for demonstrations.]

Sec. 5.7. NRS 644.120 is hereby amended to read as follows:

644.120 1. The board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in [facilities for demonstrations,] cosmetological establishments or schools of cosmetology, or in the practice of a cosmetologist.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the state board of health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a [facility for demonstrations,] cosmetological establishment, school of cosmetology or practice of cosmetology.".

Amend sec. 6, page 2, line 14, after "644.130" by inserting "*1.*".

Amend sec. 6, page 2, by deleting lines 20 through 22 and inserting: "to justify their licensure.

*2. The board may disclose the information contained in the record kept pursuant to subsection 1 to:*

*(a) Any other licensing board or agency that is investigating a licensee.*

*(b) A member of the general public, except information concerning the address and telephone number of a licensee.*".

Amend the bill as a whole by adding new sections designated sections 6.3 and 6.5, following sec. 6, to read as follows:

"Sec. 6.3. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, school of cosmetology [, facility for demonstrations] or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced [until licensed under] *unless he is licensed in accordance with* the provisions of this chapter.

2. Except as otherwise provided in subsection 4, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless he is licensed [under] *in accordance with* the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology, [legally established under] *established pursuant to* the provisions of this chapter, from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor, while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of [incidental] cosmetological services by a person who is [not licensed under] *licensed in accordance with* the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he [:

(a) Is licensed as a cosmetologist in another state;

(b) Entered into his contract of employment outside this state; and

(c) Renders] *renders* cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

Sec. 6.5. NRS 644.193 is hereby amended to read as follows:

644.193 1. The board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent [;] *and submits written verification of the completion of his education;*

(b) Has practiced as a full-time licensed cosmetologist, aesthetician or manicurist for [1 year; and] *3 years and submits written verification of his experience;*

(c) *Is licensed pursuant to this chapter;*

*(d) Applies for a provisional license on a form supplied by the board;*

*(e) Submits two current photographs of himself; and*

*(f)* Has paid the fee established pursuant to subsection 2.

2. The board shall establish and collect a fee of not less than $25 nor more than $40 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training [as a teacher] required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training [as a teacher] required for an

instructor's license. The board may grant an extension of not more than [90] *45* days to those provisional licensees who have applied to the board for examination as instructors and are awaiting examination.".

Amend sec. 7, page 2, line 29, by deleting "a teacher" and inserting: "[a teacher] *an instructor or 500 hours of training as a provisional instructor*".

Amend sec. 8, page 2, line 43, by deleting "a teacher" and inserting: "[a teacher] *an instructor or 400 hours of training as a provisional instructor*".

Amend sec. 9, page 3, line 11, by deleting "a teacher" and inserting: "[a teacher] *an instructor or 250 hours of training as a provisional instructor*".

Amend the bill as a whole by adding new sections designated sections 12.3 and 12.5, following sec. 12, to read as follows:

"Sec. 12.3. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, manicurist , *provisional instructor* and instructor expires on July 1 of the next succeeding odd-numbered year.

2. The board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1½ years.

Sec. 12.5. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the board at any time during the month of June of the year in which the license expires; and

(b) Accompanied by the fee for renewal.

2. The fees for renewal are:

(a) For manicurists, electrologists, aestheticians [, cosmetologists and demonstrators,] *and cosmetologists,* not less than $30 and not more than $50.

(b) For instructors, not less than $40 and not more than $60.

(c) For cosmetological establishments, not less than $60 and not more than $100.

(d) For schools of cosmetology, not less than $450 and not more than $500.

[(e) For facilities for demonstrations, $60.]

3. For each month or fraction thereof after July 1 in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of $25 for a school of cosmetology and $10 for a cosmetological establishment [, facility for demonstration,] and all persons licensed pursuant to this chapter.

4. An application for renewal of a license as a cosmetologist, aesthetician, electrologist, manicurist [, instructor or demonstrator] *or instructor* must be accompanied by two current photographs of the applicant which are 1½ by 1½ inches. The name and address of the applicant must be written on the back of each photograph.".

Amend sec. 15, page 4, lines 25 and 26, by deleting "*or facility*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. NRS 644.395 is hereby amended to read as follows:

644.395 Each school of cosmetology shall maintain a staff of at least two licensed instructors and one additional licensed instructor for each 25 enrolled students, or major portion thereof, over 50 students. A school of cosmetology must have at least two licensed instructors present and teaching at any time while the school is open. Persons instructing pursuant to provisional licenses issued [under] *pursuant to* NRS 644.193 are [not] considered instructors for the purposes of this section.".

Amend the bill as a whole by adding a new section designated sec. 20.5, following sec. 20, to read as follows:

"Sec. 20.5. NRS 644.425 is hereby amended to read as follows:

644.425 1. The board may grant a temporary educational permit authorizing a current licensee within the scope of his license to conduct demonstrations and exhibitions, temporarily and primarily for educational purposes, of techniques for the benefit and instruction of cosmetologists, aestheticians, electrologists and manicurists licensed [under] *pursuant to* this chapter, and electrologists' apprentices and students enrolled in licensed schools of cosmetology.

2. The permit must specify the purpose for which it is granted, the period during which the person is permitted to conduct the demonstrations and exhibitions, which may not exceed 10 days, and the time and place of exercising the privilege granted by the permit.

3. A person may be granted a *temporary educational* permit [under this section] only if he:

(a) Applies to the board for the permit;

(b) Demonstrates to the satisfaction of the board that the permit is sought primarily for educational purposes; and

(c) Pays a fee of not less than $10 and not more than $25.

Except for schools licensed pursuant to this chapter, an application for a permit must be submitted at least 10 days before the date of the demonstration or exhibit.

4. [The provisions of this section do not apply to demonstrators licensed under this chapter.

5.] It is unlawful:

(a) For any person to conduct a demonstration or exhibition without a permit.

(b) For any person who is granted a permit to allow persons other than cosmetologists, aestheticians, electrologists and manicurists licensed [under] *pursuant to* this chapter, and electrologists' apprentices and students enrolled in licensed schools of cosmetology to attend any demonstration or exhibition made or given by him.".

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. NRS 644.440 is hereby amended to read as follows:

644.440 1. Except as otherwise provided in subsection 3, the board may refuse to issue or renew any license or revoke or suspend any license already issued, only upon 20 days' notice in writing to the interested parties.

The notice must contain a brief statement of the reasons for the contemplated action of the board and designate a proper time and place for the hearing of all interested parties before any final action is taken.

2. Notice, within the provisions of subsection 1, shall be deemed to have been given when the board deposits with the United States Postal Service a copy of the notice, addressed to the designated or last known residence of the applicant or licensee.

3. Violations of any regulation of the board for sanitation or of any statute or regulation of the state board of health or any county regulation concerning health may be corrected by any inspector of the board by giving notice in the form of a citation. Any licensee receiving a citation shall immediately correct the violation or shall show that corrections have commenced. Failure to correct or to commence corrections within 72 hours after receipt of the citation subjects the license to immediate suspension. The board may then give 20 days' notice for hearing to show cause why the license should not be permanently revoked.

4. The closure of any establishment [, facility] or school by the state board of health acts as an automatic revocation of the license.".

Amend sec. 22, page 6, line 40, by deleting "*Demonstrators,*" and inserting: "*Retailers, at a retail establishment,*".

Amend sec. 22, page 6, line 41, by deleting: "*demonstrating the use of a cosmetic*" and inserting: "*the demonstration of make-up*".

Amend sec. 22, page 6, by deleting line 44 and inserting:

"*(2) The retailer does not advertise or provide a cosmetological service except make-up and fragrances.*".

Amend sec. 22, page 6, line 45, by deleting the comma and inserting: "*or their employees,*".

Amend sec. 22, page 6, line 46, after "*photographer*" by inserting: "*or his employee*".

Amend the bill as a whole by renumbering sec. 23 as sec. 24 and adding a new section designated sec. 23, following sec. 22, to read as follows:

"Sec. 23. NRS 644.025, 644.0267, 644.420 and 644.423 are hereby repealed.".

Amend the bill as a whole by adding the text of the repealed sections, following sec. 23, to read as follows:

TEXT OF REPEALED SECTIONS

644.025 "Demonstrator" defined. "Demonstrator" means a person who, on behalf of a manufacturer, wholesaler, retailer or distributor, demonstrates the use of any cosmetic without charge to the persons to whom the demonstration is given. The term does not include a person who performs a demonstration for the benefit of cosmetologists.

644.0267 "Facility for demonstrations" defined. "Facility for demonstrations" means any premises, building or part of a building where cosmetics are demonstrated.

644.420 Demonstrators: License; fee; expiration of license; regulations governing proration of fee.

1. Before engaging in the business of demonstrator in this state, a person must apply for and receive a license from the board. The fee for the initial license is $30.

2. The license of every demonstrator expires on July 1 of the next succeeding odd-numbered year.

3. The board shall adopt regulations governing the proration of the fee required for initial licenses issued for less than 1½ years.

644.423 Unlawful acts by demonstrator. It is unlawful for a demonstrator to:

1. Apply false eyelashes.

2. Perform a complete treatment of the skin.

3. Perform any other service provided by a cosmetologist.".

Amend the title of the bill, fourth line, after "action;" by inserting: "making various changes concerning instructors; repealing provisions relating to demonstrators;".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 678.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 708.

The following Senate amendment was read:

Amendment No. 1362.

Amend section 1, page 1, line 2, by deleting "5," and inserting "4,".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 7 as sections 2 through 6.

Amend sec. 3, page 1, line 18, by deleting "*pamphlet*" and inserting: "*certificate of installation*".

Amend sec. 3, page 1, by deleting lines 19 and 20 and inserting: "*3 of this act to each purchaser of a new manufactured home. The division shall make available sample copies of certificates of installation to all licensed dealers for distribution to prospective purchasers.*".

Amend sec. 5, page 2, line 11, by deleting: "*2, 3 and 4*" and inserting: "*2 and 3*".

Amend sec. 6, page 2, line 28, by deleting "*3*" and inserting "2".

Amend sec. 7, page 2, by deleting line 39 and inserting: "this act, on".

Amend the title of the bill to read as follows:

"An Act relating to manufactured homes; requiring each certificate of installation issued by the manufactured housing division for a manufactured or mobile home to include certain information relating to manufactured and mobile homes; requiring a dealer to provide each purchaser of a new manufactured home a copy of the certificate of installation; and providing other matters properly relating thereto.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 708.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 449.

The following Senate amendment was read:

Amendment No. 1489.

Amend sec. 2, page 1, line 5, after "*legitimate*" by inserting "*charitable*".

Amend sec. 2, page 1, line 8, by deleting "*those*" and inserting "*charitable*".

Amend sec. 2, page 1, line 9, by deleting "*the*" and inserting "*those*".

Amend sec. 2, page 1, line 10, by deleting "*of the*" and inserting "*of those*".

Amend sec. 2, page 1, by deleting line 11 and inserting: "*lotteries are expended to benefit the activities of charitable or nonprofit organizations.*".

Amend sec. 2, page 1, by deleting line 13 and inserting: "*authorized to operate those lotteries, the manner in which those lotteries are conducted*".

Amend sec. 2, page 1, line 14, after "*of*" by inserting "*those*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *"Charitable lottery" means a lottery operated by a bona fide charitable or nonprofit organization pursuant to the provisions of this chapter.*".

Amend sec. 9, page 2, line 10, by deleting: "*lottery tickets or chances,*" and inserting: "*tickets or chances for a charitable lottery,*".

Amend sec. 9, page 2, line 12, by deleting "*a lottery.*" and inserting: "*the charitable lottery.*".

Amend sec. 11, page 2, by deleting line 19 and inserting:

"*2. The commission, upon the recommendation of the board:*".

Amend sec. 12, page 2, line 25, before "*lottery*" by inserting "*charitable*".

Amend sec. 12, page 2, line 27, after "*in*" by inserting "*charitable*".

Amend sec. 12, page 2, line 30, after "*in*" by inserting "*charitable*".

Amend sec. 12, page 2, line 32, before "*lottery*" by inserting "*charitable*".

Amend sec. 12, page 2, line 34, by deleting "2" and inserting "*two charitable*".

Amend sec. 12, page 2, line 36, before "*lottery*" by inserting "*charitable*".

Amend sec. 12, page 2, line 39, before "*lotteries*" by inserting "*charitable*".

Amend sec. 13, page 2, after line 48, by inserting:

"*(c) Provide a qualified organization, within 30 days after its submission of an application pursuant to section 14 of this act, with written notification of the basis for any refusal by the executive director to register or approve the qualified organization pursuant to this section.*".

Amend sec. 14, page 3, line 14, after "*organization's*" by inserting "*charitable*".

Amend sec. 14, page 3, line 15, after "*in*" by inserting "*charitable*".

Amend sec. 14, page 3, line 21, before "*lotteries*" by inserting "*charitable*".

Amend sec. 14, page 3, line 24, after "*which*" by inserting "*charitable*".

Amend sec. 14, page 3, line 28, by deleting "*or:*" and inserting "*of:*".

Amend sec. 14, page 3, between lines 37 and 38, by inserting:

"*3. The money collected pursuant to this section must be expended to administer and enforce the provisions of this chapter.*".

Amend the bill as a whole by deleting lines 38 through 42 and inserting:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 16, page 3, line 47, before "*lottery*" by inserting "*charitable*".

Amend sec. 16, page 4, line 3, before "*lottery*" by inserting "*charitable*".

Amend sec. 16, page 4, line 18, after "*a*" by inserting "*charitable*".

Amend sec. 16, page 4, line 27, after "*a*" by inserting "*charitable*".

Amend sec. 17, page 4, by deleting lines 31 and 32 and inserting:

"*1. Sell any ticket or chance for a charitable lottery outside of:*

*(a) The primary county in which the charitable lottery is being conducted; and*

*(b) Any counties that border on the primary*".

Amend sec. 17, page 4, line 35, by deleting "*1*" and inserting "*one charitable*".

Amend sec. 18, page 4, line 39, after "*a*" by inserting "*charitable*".

Amend sec. 18, page 4, line 40, before "*lottery.*" by inserting "*charitable*".

Amend sec. 18, page 4, line 46, after "*a*" by inserting "*charitable*".

Amend sec. 18, page 4, line 47, before "*lottery.*" by inserting "*charitable*".

Amend sec. 18, page 5, line 2, after "*a*" by inserting "*charitable*".

Amend sec. 19, page 5, line 4, before "*lottery*" by inserting "*charitable*".

Amend sec. 19, page 5, line 6, after "*a*" by inserting "*charitable*".

Amend sec. 19, page 5, line 7, before "*lottery.*" by inserting "*charitable*".

Amend sec. 19, page 5, line 9, before "*lottery;*" by inserting "*charitable*".

Amend sec. 19, page 5, line 10, before "*lottery.*" by inserting "*charitable*".

Amend sec. 21, page 5, line 16, after "*a*" by inserting "*charitable*".

Amend sec. 22, page 5, by deleting lines 18 and 19 and inserting:

"462.010 1. Except as otherwise provided in subsection 2, [a lottery is] *"lottery" means* any scheme for the disposal or distribution of prop-".

Amend sec. 22, page 5, line 21, by deleting "[such] *the*" and inserting "that".

Amend sec. 22, page 5, line 22, by deleting "[such] *the*" and inserting "that".

Amend sec. 22, page 5, line 25, by deleting "the same" and inserting "it".

Amend sec. 22, page 5, between lines 25 and 26, by inserting:

"2. [A] *"Lottery" does not include a* promotional scheme conducted by a licensed gaming establishment in direct association with a licensed gaming activity, contest or tournament . [is not a lottery.]".

Amend sec. 22, page 5, line 26, by deleting "2." and inserting "*3.*".

Amend sec. 22, page 5, line 34, after "*occasional*" by inserting "*and ancillary*".

Amend sec. 30, page 6, by deleting line 43 and inserting: " *"Charitable lottery" has the meaning ascribed to it in section 5.5 of this act.*".

Amend sec. 31, page 6, line 46, by deleting "inclusive, and" and inserting "inclusive,".

Amend sec. 31, page 6, by deleting lines 47 and 48 and inserting: "sections 2 and 3 of Assembly Bill No. 554 of this session, [and] sections 3 and 4 of [this act,] *Assembly Bill No. 423 of this session, and section 30 of this act,* have the meanings ascribed to them in those sections.".

Amend sec. 32, page 7, line 5, before "*lottery*" by inserting "*charitable*".

Amend sec. 33, page 7, line 14, after "*a*" by inserting "*charitable*".

Amend sec. 34, page 7, by deleting lines 19 through 33 and inserting:

"Sec. 34. (Deleted by amendment.)".

Amend sec. 37, page 8, line 45, after "*a*" by inserting "*charitable*".

Amend sec. 37, page 9, line 9, before "*lotteries,*" by inserting "*charitable*".

Amend sec. 37, page 9, line 11, before "*lotteries*" by inserting "*charitable*".

Amend sec. 37, page 9, line 28, after "*a*" by inserting "*charitable*".

Amend sec. 39, page 11, line 31, after "*of*" by inserting "*charitable*".

Amend the bill as a whole by renumbering sec. 44 as sec. 46 and adding new sections designated sections 44 and 45, following sec. 43, to read as follows:

"Sec. 44. Section 4 of Senate Bill No. 535 of this session is hereby amended to read as follows:

Sec. 4. NRS 463.013 is hereby amended to read as follows:

463.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 463.0134 to 463.0197, inclusive, sections 2 and 3 of Assembly Bill No. 554 of this session, sections 3 and 4 of Assembly Bill No. 423 of this session, [and] section 30 of [this act,] *Assembly Bill No. 449 of this session, and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 45. This act expires by limitation on October 1, 1993.".

Amend sec. 44, page 13, by deleting lines 27 and 28 and inserting:

"Sec. 46. 1. Sections 22 and 43 of this act become effective at 12:01 a.m. on October 1, 1991.

2. Section 31 of this act becomes effective at 12:02 a.m. on October 1, 1991.".

Amend the title of the bill, first line, by deleting "certain" and inserting "charitable".

Amend the summary of the bill, first line, by deleting "certain" and inserting "charitable".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 449.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Bill No. 603 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblyman Callister.

Assemblyman Price requested that Assemblyman Callister's remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise to address A.B. No. 296. Order of Business 15, Mr. Speaker. To you and through you to my colleagues on the floor, we've been the recipients of some most disconcerting news in the last few moments involving one of the most crucial components of this budget and tax package, and that is A.B. No. 303 which this house has processed. We've been advised that there are present efforts being made on the other end of the hall to substantially revise the heart of that bill. Of course, that is of major concern to all of us. Our concern has been as follows. Not unlike times past, it has typically been the case, in my experience, that this house, in the end is responsible for crafting much of the budget and much of the tax package. I am sure all the members here are aware, in the end, that has to be done in a bipartisan fashion. I am pleased that has been the case. Over the past five months we've been able to work together and effectively craft a budget and a tax package that funds that budget. We've processed those taxes. There has been bipartisan support for those taxes. They now are lodged in the other house only for us to learn that in the context of a virtual deadlock on this house, the other side is going to propose, or is considering, significant amendments that would totally undo our work and totally upset the budget and the tax package that we've labored for so long. Mr. Speaker, I think I speak for all of us here today—we want to go home. In order to go home, this very tenuous, yet I think, well-crafted budget and tax package needs to be dealt with today. I think with this measure we can send an effective message to our counterparts down the hall that we have done our duty. This Assembly has risen to its obligation and met those challenges in a bipartisan fashion, and we are now prepared to go home, to pass out a budget to keep this state operational, to keep checks going out to indigent mothers and children, to keep aid to the medically unsound, to keep our schools open, to keep our institutions of public safety open. It's time. I appreciate the opportunity to speak, and I urge all the members of this house to join me in sending a crucial message to our counterparts down the hall. We have done our task, and if and when they are prepared to process a sales tax on services, then we're happy to address it, but we are not willing to sit around anymore and watch them pick apart measures that are supported in a bipartisan fashion and upon whom the entire state's future depends.

Roll call on Assembly Bill No. 296:

YEAS—None.

Nays—Anderson, Arberry, Bache, Bayley, Bennett, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Goetting, Gregory, Haller, Hardy, Heller, Humke, Johnson, Kerns, Krenzer, Lambert, Little, McGaughey, McGinness, Marvel, Norton, Petrak, Pettyjohn, Porter, Price, Sader, Scherer, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams, Wong, Mr. Speaker—41.

Absent—Bergevin.

Assembly Bill No. 296 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Gibbons and Humke.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Assembly Bill No. 393:

YEAS—40.

NAYS—None.

Absent—Bergevin.

Not voting—Gibbons.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 559.

Bill read third time.

Assemblyman Porter moved that Assembly Bill No. 559 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried on a division of the house.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 807 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 815 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 818.

Bill read third time.

The following amendment was proposed by Assemblymen Goetting, Pettyjohn, Stout, Bayley, Wong, Gregory, Hardy, Carpenter and Kerns:

Amendment No. 1428.

Amend the bill as a whole by deleting sections 2 through 49 and adding new sections designated sections 2 through 49, to read as follows:

| | 1991-92 | 1992-93 |
|---|---|---|
| "Sec. 2. The Office and Mansion of the Governor. | | |
| For the support of the office of the governor | $1,202,314 | $1,202,384 |
| For the support of the governor's mansion | 200,549 | 181,779 |
| For the support of the office of the extradition coordinator | 704,830 | 749,762 |
| For the support of the office of high-level nuclear waste | 33,250 | 33,250 |
| For the support of the commission on substance abuse | 29,946 | 40,535 |
| Sec. 3. The Office of Lieutenant Governor. | | |
| For the support of the office of lieutenant governor | $186,392 | $194,123 |
| Sec. 4. The Office of Attorney General. | | |
| For the support of the office of attorney general | $2,906,763 | $2,775,154 |
| For the special litigation account of the attorney general | 95,000 | 95,000 |
| For the support of the crime prevention program | 74,471 | 67,935 |
| Sec. 5. The Office of Secretary of State. | | |
| For the support of the office of secretary of state | $1,652,463 | $1,780,804 |
| For the support of the securities division | 1,035,183 | 1,036,362 |
| Sec. 6. The Office of State Treasurer. | | |
| For the support of the office of state treasurer | $655,132 | $664,301 |
| Sec. 7. The Office of State Controller. | | |
| For the support of the office of the state controller | $1,833,029 | $1,837,217 |
| Sec. 8. Department of Administration. | | |
| For the support of: | | |
| Budget division | $1,018,149 | $1,125,547 |
| Merit award board | 2,803 | 2,803 |
| Clear Creek youth center | 133,189 | 133,373 |
| Sec. 9. Department of General Services. | | |
| For the support of: | | |

| | | |
|---|---|---|
| Buildings and grounds division | $19,000 | $19,000 |
| Sec. 10. State Public Works Board. | | |
| For the support of the state public works board | $1,163,337 | $1,176,832 |
| Sec. 11. Department of Taxation. | | |
| For the support of: | | |
| Department of taxation | $6,133,343 | $6,333,565 |
| Senior Citizens' Property Tax Assistance | 2,016,726 | 2,085,597 |
| Sec. 12. Nevada Commissioner for Veterans Affairs. | | |
| For the support of the Nevada commissioner for veterans affairs | $611,577 | $589,734 |
| Sec. 13. Nevada Equal Rights Commission. | | |
| For the support of the Nevada equal rights commission | $568,152 | $568,170 |
| Sec. 14. Indian Affairs Commission. | | |
| For the support of the Indian affairs commission | $132,866 | $134,673 |
| Sec. 15. Employee-Management Relations Board. | | |
| For the support of the employee-management relations board | $103,626 | $105,951 |
| Sec. 16. Legislative Fund. | | |
| For the support of the legislative commission | $476,868 | $353,788 |
| For the support of the audit division of the legislative counsel bureau | 1,584,123 | 1,599,891 |
| For the support of the administrative division of the legislative counsel bureau | 2,537,309 | 2,574,746 |
| For the support of the legal division of the legislative counsel bureau | 1,649,465 | 2,132,411 |
| For the support of the research division of the legislative counsel bureau | 1,015,941 | 976,162 |
| For the support of the fiscal analysis division of the legislative counsel bureau | 910,209 | 896,310 |
| For the support of interim legislative operations | 165,365 | 150,396 |
| Sec. 17. Supreme Court of Nevada. | | |

| | | |
|---|---|---|
| For the support of the supreme court of Nevada | $872,574 | $1,044,001 |
| For the support of the state board of pardons commissioners | 60,577 | 39,720 |
| For the support of the law library | 588,965 | 720,763 |
| For the support of the commission on judicial selection | 5,225 | 5,225 |
| Sec. 18. Commission on Judicial Discipline. | | |
| For the support of the commission on judicial discipline | $31,157 | $31,393 |
| Sec. 19. District Judges' Travel. | | |
| For the support of district judges' travel | $16,150 | $16,150 |
| Sec. 20. District Judges' Salaries and Judicial Pensions. | | |
| For the support of the district judges' salaries and pensions of justices, judges and widows | $4,030,818 | $4,063,022 |
| Sec. 21. Public Defender. | | |
| For the support of the office of public defender | $447,552 | $498,975 |
| Sec. 22. Commission on Economic Development. | | |
| For the support of the commission on economic development | $2,447,267 | $2,449,838 |
| Film division | 92,637 | 94,452 |
| Rural community development | 47,388 | 49,719 |
| Small business and federal procurement | 121,570 | 126,826 |
| Sec. 23. State Department of Education. | | |
| For the support of: | | |
| Education, administration | $1,260,987 | $1,315,912 |
| Vocational education | 643,107 | 643,107 |
| Professional standards commission | 332,691 | 348,051 |
| School lunch program | 308,275 | 308,275 |
| Adult basic education | 185,250 | 193,800 |
| Care of handicapped children | 898,561 | 1,038,427 |
| Proficiency testing | 265,195 | 273,016 |
| Other state programs | 16,625 | 16,625 |
| School improvements | 950,000 | 950,000 |
| Sec. 24. Commission on Postsecondary Institutional Authorization. | | |

| | | |
|---|---|---|
| For the support of the commission on postsecondary education | $159,546 | $162,445 |
| Sec. 25. University of Nevada System. | | |
| For the support of: | | |
| System administration | $1,683,447 | $1,763,248 |
| University press | 442,250 | 451,507 |
| Statewide programs—UNR | 3,539,871 | 3,611,735 |
| Intercollegiate athletics—UNR | 1,079,569 | 1,098,292 |
| Statewide programs—UNLV | 455,517 | 463,877 |
| Intercollegiate athletics—UNLV | 1,079,594 | 1,098,344 |
| Agricultural experiment station | 3,971,850 | 4,074,473 |
| Cooperative extension services | 3,521,631 | 3,617,537 |
| System computing center | 6,249,376 | 6,500,343 |
| Desert research institute | 1,981,378 | 2,062,280 |
| National direct student loan | 28,500 | 28,500 |
| University of Nevada, Reno | 47,513,074 | 50,585,779 |
| School of medical sciences, UNR | 10,252,904 | 10,663,769 |
| University of Nevada, Las Vegas | 53,091,686 | 57,770,833 |
| Community college of southern Nevada | 17,770,690 | 19,446,388 |
| Western Nevada community college | 6,736,207 | 7,354,952 |
| Truckee Meadows community college | 11,294,832 | 12,172,930 |
| Northern Nevada community college | 3,753,839 | 4,186,588 |
| Business center, north | 1,199,517 | 1,274,926 |
| Business center, south | 961,516 | 1,006,959 |
| University system-special projects | 398,688 | 398,688 |
| University system salary | 454,080 | 936,020 |
| Sec. 26. Western Interstate Commission for Higher Education. | | |
| For the administrative support of Nevada's membership in the western interstate commission for higher education | $202,238 | $197,601 |
| For the support of the western interstate commission for higher education loan fund | 380,000 | 380,000 |

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|---|---|---|
| Sec. 27. Department of Museums and History. | | |
| For the support of the office of the director | $197,462 | $197,041 |
| For the support of the Nevada historical society | 437,443 | 462,839 |
| For the support of the Nevada state museum, Carson City | 758,819 | 759,800 |
| For the support of the Nevada museum, Las Vegas | 553,909 | 618,886 |
| For the support of the Lost City museum | 187,789 | 189,475 |
| For the support of the Nevada railroad museum | 193,896 | 201,343 |
| Sec. 28. Nevada Council on the Arts. | | |
| For the support of the Nevada council on the arts | $460,998 | $477,404 |
| Sec. 29. State Library and Archives. | | |
| For the support of the state library and archives | $1,587,649 | $2,080,569 |
| Nevada state library-literacy | 69,598 | 75,772 |
| For the support of the division of archives and records | 385,906 | 363,956 |
| Sec. 30. Department of Human Resources. | | |
| For the support of: | | |
| Office of the director of human resources | $400,473 | 405,587 |
| Committee to hire the handicapped | 160,089 | 160,775 |
| Aging services division | 1,227,332 | 1,234,508 |
| Senior services program | 426,393 | 426,023 |
| Child and family services division | | |
| Children, youth and family | 2,376,545 | 2,326,981 |
| Child care services bureau | 245,285 | 184,852 |
| Northern Nevada children's home | 1,005,705 | 1,021,575 |
| Southern Nevada children's home | 1,039,100 | 1,055,913 |
| Nevada youth training center | 4,368,086 | 4,453,620 |
| Probation subsidies | 923,141 | 956,701 |
| Caliente training center | 3,193,641 | 3,284,138 |
| Youth community services | 7,980,251 | 9,021,503 |
| Alternative placements | 1,957,615 | 2,008,874 |
| Youth corrections services | 1,085,251 | 1,141,926 |
| Health division | | |
| Office of state health officer | 617,563 | 632,373 |

| | | |
|---|---|---|
| Vital statistics | 488,372 | 489,841 |
| Cancer control registry | 79,100 | 82,753 |
| Bureau of health facilities | 270,886 | 270,588 |
| Maternal and child health services | 3,315,394 | 3,440,404 |
| Special children's clinic | 3,042,224 | 3,002,431 |
| Bureau of community health services | 386,927 | 375,736 |
| Bureau of laboratory and research | 967,153 | 977,567 |
| Consumer protection | 637,115 | 595,300 |
| Radiological health | 198,194 | 196,112 |
| Sexually transmitted disease control | 179,249 | 176,380 |
| Communicable disease control | 348,000 | 356,399 |
| Emergency medical services | 425,604 | 428,935 |
| Immunization control | 604,402 | 648,556 |
| Health aid to counties | 1,153,223 | 1,205,609 |
| Mental hygiene and mental retardation division | | |
| Division administration | 1,067,306 | 1,074,961 |
| Regional training | 81,859 | 83,981 |
| Southern Nevada adult mental health services | 13,828,812 | 14,155,498 |
| Southern Nevada child and adolescent services | 4,124,923 | 4,193,190 |
| Nevada mental health institute | 10,397,358 | 10,441,313 |
| Northern Nevada child and adolescent services | 2,219,578 | 2,330,965 |
| Facility for the mental offender | 2,294,734 | 2,313,220 |
| Rural clinics | 2,993,788 | 2,958,280 |
| Southern Nevada mental retardation services | 979,698 | 986,290 |
| Northern Nevada mental retardation services | 676,912 | 661,056 |
| Community training center | 1,404,002 | 1,538,676 |
| Resident placement | 1,422,816 | 1,419,633 |
| Chapter 1—Special education | 176,444 | 181,360 |
| MH/MR: Home care | 253,422 | 266,760 |
| Welfare division | | |
| Welfare administration | 8,167,921 | 8,907,218 |
| Assistance to aged and blind | 2,950,663 | 3,173,915 |
| Aid to dependent children | 19,004,651 | 20,875,633 |
| Food stamp program | 2,872,222 | 3,504,097 |
| Nevada Medicaid | 91,838,578 | 108,720,518 |

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|---|---|---|
| Employment and training program | 1,704,720 | 2,101,030 |
| Rehabilitation division | | |
| Vocational rehabilitation | 1,217,357 | 1,018,567 |
| Financial assistance for physically disabled | 502,370 | 517,441 |
| Community based services | 161,500 | 161,500 |
| Services to the blind | 703,251 | 733,827 |
| Alcohol and drug abuse rehabilitation | 2,957,087 | 3,036,039 |
| Traumatic head injury program | 289,112 | 289,112 |
| Sec. 31. Department of the Military. | | |
| For the support of the department of the military | $1,062,322 | $1,052,171 |
| For the support of National Guard benefits | 61,750 | 61,750 |
| For the support of the division of emergency management | 280,690 | 278,280 |
| Sec. 32. Department of Prisons. | | |
| For the support of the office of director | $5,643,580 | $5,512,136 |
| For the support of medical care | 15,631,510 | 16,343,739 |
| For the support of the southern Nevada correctional center | 6,476,252 | 6,528,817 |
| For the support of the southern desert correctional center | 10,451,315 | 10,861,005 |
| For the support of the Nevada state prison | 8,853,040 | 8,974,267 |
| For the support of the northern Nevada correctional center | 9,080,791 | 9,350,184 |
| For the support of the Reno correctional facility | 1,402,201 | 1,421,864 |
| For the support of the Nevada women's correctional center | 2,392,326 | 2,353,650 |
| For the support of the Ely maximum security prison | 13,035,231 | 13,251,819 |
| For the support of the Lovelock correctional center | 2,495,684 | 239,404 |
| For the support of the Stewart conservation camp | 710,630 | 685,769 |
| For the support of the Ely conservation camp | 758,426 | 712,065 |
| For the support of the Humboldt conservation camp | 709,037 | 685,445 |

| | | |
|---|---|---|
| For the support of the Indian Springs conservation camp | 1,003,572 | 835,286 |
| For the support of the Jean conservation camp | 569,811 | 568,362 |
| For the support of the Pioche conservation camp | 604,534 | 595,987 |
| For the support of the Carlin conservation camp | 665,193 | 670,766 |
| For the support of the Wells conservation camp | 728,738 | 695,709 |
| For the support of the Silver Springs conservation camp | 603,742 | 611,741 |
| For the support of the Tonopah conservation camp | 667,822 | 685,587 |
| For the support of the southern Nevada restitution center | 265,042 | 241,892 |
| For the support of the northern Nevada restitution center | 220,834 | 238,057 |
| For the support of the Las Vegas minimum security facility | 603,221 | 1,798,231 |
| Sec. 33. Department of Parole and Probation. | | |
| For the support of the department of parole and probation | $14,842,649 | $15,789,056 |
| Sec. 34. Parole Board. | | |
| For the support of the parole board | $642,701 | $625,014 |
| Sec. 35. Department of Commerce. | | |
| For the support of: | | |
| Office of the director | $231,734 | $231,283 |
| Board for financing water projects | 2,090 | 2,090 |
| Financial institutions division | 989,618 | 1,002,203 |
| Consumer affairs division | 422,804 | 429,158 |
| Mentally ill individuals program | 89,583 | 91,357 |
| Real estate administration | 1,099,366 | 1,101,591 |
| Fire marshal | 365,012 | 364,713 |
| Hazardous material training center | 95,000 | -0- |
| Unclaimed property program | 173,727 | 169,811 |
| Sec. 36. Department of Insurance | $2,144,272 | $2,106,268 |
| Sec. 37. Labor Commissioner. | | |
| For the support of the labor commissioner | $771,677 | $838,564 |

| | | |
|---|---|---|
| Sec. 38. State Department of Conservation and Natural Resources. | | |
| For the support of: | | |
| Office of the director | $296,009 | $301,953 |
| Division of state parks | 3,449,827 | 2,974,284 |
| Division of forestry | 1,761,060 | 1,497,090 |
| Forest fire suppression | 427,500 | 427,500 |
| Forestry honor camps | 4,999,123 | 5,231,670 |
| Air quality | 625,964 | 662,812 |
| Water and mining | 391,757 | 400,570 |
| State environmental commission | 1,900 | 1,900 |
| Division of water resources | 2,714,263 | 2,647,170 |
| Division of water planning | 293,854 | 286,625 |
| Division of state lands | 430,832 | 442,917 |
| Division of conservation districts | 97,966 | 98,457 |
| Federal land laws | 9,698 | 9,719 |
| Tahoe regional planning agency | 755,507 | 671,810 |
| Nevada Tahoe regional planning agency | 9,500 | 9,500 |
| Division of historic preservation and archeology | 156,683 | 158,547 |
| Sec. 39. Department of Wildlife. | | |
| For the support of the department of wildlife | $898,809 | $838,613 |
| Sec. 40. Comstock Historic District Commission. | | |
| For the support of the Comstock historic district commission | $78,216 | $78,154 |
| Sec. 41. State Department of Agriculture. | | |
| For the support of the plant industry fund | $1,551,648 | $1,512,617 |
| For the support of the veterinary medical services | 685,036 | 693,256 |
| Sec. 42. Nevada Junior Livestock Show Board. | | |
| For the support of the Nevada junior livestock show board | $27,512 | $28,769 |
| Sec. 43. State Predatory Animal and Rodent Committee. | | |
| For the support of the state predatory animal and rodent committee | $462,689 | $468,975 |

| | | |
|---|---|---|
| Sec. 44. High School Rodeo Association. | | |
| For the support of the high school rodeo association | $16,150 | $16,150 |
| Sec. 45. Mining Cooperative Fund. | | |
| For the support of the mining cooperative fund | $121,600 | $121,600 |
| Sec. 46. Department of Motor Vehicles and Public Safety. | | |
| For the support of the registration division | $16,055 | $16,055 |
| For the support of the highway patrol (law enforcement) | 263,257 | 533,847 |
| For the support of the investigation division | 3,959,411 | 4,043,094 |
| For support of peace officers' standards and training | 177,505 | 162,377 |
| Sec. 47. Nevada Athletic Commission. | | |
| For the support of the Nevada athletic commission | $201,113 | $201,147 |
| Sec. 48. Ethics commission | $61,468 | $56,332 |
| Sec. 49. State climatologist | $30,193 | $30,472". |

Assemblyman Scherer moved that Assembly Bill No. 818 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Scherer.

Motion lost.

Assemblyman Pettyjohn moved the adoption of the amendment.

Remarks by Assemblymen Pettyjohn, Myrna Williams, Stout, Evans, Goetting and Callister.

Assemblyman Pettyjohn requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker. Assembly Bill No. 818, of course, everyone knows, is the budget. Amendment No. 1428, as everyone also knows, is a proposed amendment to the budget to reduce the budget by 5 percent. There are those who would say that this is, perhaps, a capricious and whimsical move at this late date in the session, but let me assure you it is not that; it is a reasoned thought-out process.

We have heard testimony on some of the other tax bills that we should not be willing to vote for a budget that we're not willing to vote for taxes to support that budget. There was also the comment made that those who are not in favor of doing the taxes should have an alternative, and this is what this amendment provides, an alternative to the current budget that's before you in the basic bill. This reduction of 5 percent would be easily applied to the budget in that it's a line-item application; it takes into account the work which has been done in preparing the budget which I will concede has been a very fine effort and a very fine piece of work on the part of those who have worked on preparing this. Those who were concerned about having to reopen the budget to discuss this amendment need not worry about that because I am advised by the legal department that this approach is sound from a legal point of view and that it takes the existing line-items contained in the basic bill and can apply the new numbers in a direct fashion.

Let me now discuss some of the rationale concerning this effort to do this amendment. I recognize that we are concerned about running a state. I recognize that it takes money to run a state. I recognize that this basic bill has been given a great deal of thought by a lot of people. And we have a very legitimate argument before us, Mr. Speaker, in that we are here to debate this bill; we're not here to bury it necessarily, but we're here to improve it, I think, with this amendment.

The fundamental process of reviewing the budget entails those people sitting on the money committees sitting down and listening to testimony which has been given by the people who run the various departments and agencies of the government. They come in and tell the stories and they develop their input so that they can provide supporting rationale for their requests for money. Those of us who listen to this testimony are predisposed in one of two directions. We either: one, accept the information we are given and do accept that these are justified needs in toto, and we accept that; or, two, we are inclined to think that there may be some excesses in those budgets which need to be reviewed. Now I need to digress just one second because there are those among us who might say, "Who is that presumptuous freshman that is going to stand up and presume to be able to speak on the whole budget process." I would assert to you that I perhaps have as much or more budget experience as any person in either house that sat on the money committees. I am prepared to support that assertion by telling you that I have spent 30 years in the budget building process. Admittedly, as a second lieutenant, you don't have very much say because you may be the squadron welfare officer or you may be the sports officer, and you may only be talking about whether you buy three or four bats for the baseball program that year or half a dozen balls, or whatever, but you are involved in thinking out a program, thinking out a requirement, presenting it to those who review it and justifying it. For 30 years I was involved in that at different levels to the point where I was working on budgets of several billions of dollars, working on very sophisticated military programs such as a U-2 or satellite programs; we were spending lots of money and we had to justify budgets to a very, very extensive degree. So, when I sat and listened to the testimony that came before us in the Ways and Means Committee, I had some experience in doing that, so I don't think that those who think that I am presumptious in standing to talk on this process is warranted.

Another point I would like to make concerning the budget is that we have some excesses which I would like to refer to in a rather gross way. In the last ten years, 1982 to 1983, we have seen our budget grow from $422 million to a current proposal of $1.130 billion in the general fund. That growth has been 167 percent. At the same time we have seen the population increase in the state by 60 percent. Currently, the comparison between the current biennium and the coming biennium, we have a current work program of $868 million, and it's been closed out at $1.055 billion as a proposal for the first year of the coming biennium which is a 22.2 percent increase. If we compare both years of the biennium past to the coming one, there is a reflection of 34.3 percent increase in the budget. Now, using just one example of a budget line-item in one of the departments, using the performance factors or measures of merit, whichever you prefer to call them, they have indicated on their own input they expect to have an increased work load of 12.7 percent, but that particular organization asks for a 26.4 percent increase, I believe, in manpower to perform that mission. Now, it's my contention that we have an opportunity here to help the taxpayers of the state, and I would refer very quickly to the situation that exists in Washoe County where we have just gone through the laborious and agonizing process of doing a "fair share" reapportionment measure, and the people of that county are going to be hard-pressed to provide services to their people because of the loss of revenue. Those people would probably be very anxious to have the opportunity to reduce the budget somewhat, and thereby reduce the tax burden which will be placed upon them. We also know that the economy is down in our state which has probably aggravated this to a great extent. We're going to have a $180 billion tax package upon the American people at the federal level which means every household will be taxed $10,000 in the coming year.

So now, I would say our philosophies differ. The debate is serious. We're, perhaps, talking about the most fundamental thing we have come here this session to decide, and

that is, how much money we are going to spend and how much tax are we going to raise to cover that money. There are two ways to solve the problem. You raise more taxes to provide more services or you cut the cost. Now, I am not trying to propose something here that's going to be hard on the recipients of the various monies which we will distribute to the people of the state. I'm trying to bring equity to both those people who receive and those people who pay the bill, so we can provide them a chance to look at the government, demand that we in this legislature who tax the people for this $2.2 billion are responsible in the way we go about administering it. I believe it is incumbent upon us to find ways to trim that, and this way that I propose here by cutting 5 percent across the board will cause all agencies to tighten their belts a little bit, for everybody to take a little bit of the bite.

We did not single out any one agency and try to cut them severely and destroy their ability to perform their services. We felt it was reasonable, or I felt it was reasonable, to take a little bit from everyone. I think this is an opportunity in this hard time, to show the people of the state. I must say in closing one more thing. There were some implications made that those who do not support all the taxes are, in fact, posturing to be reelected. I would like to go on record that I am not one of those because it really doesn't make any difference to me, personally, whether I come back or not. So, I would like to assure you that I am not posturing for reelection. I am posturing to serve the people who did elect me and pay them back for that service or that vote of confidence which they gave me, but not to ask them to do it again.

Now, Mr. Speaker, I would encourage my colleagues to support this bill, take the opportunity to reduce the spending of the state at least 5 percent, let us be able to go to the people and collect less taxes, and then administer our government in a more efficient manner. I believe that this is a sound and reasonable approach. I believe it is responsible. There will be those who say it's not responsible. I believe it is the epitome of being responsible to our people. Thank you, very much, Mr. Speaker.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1428. I listened carefully to the comments of my colleague from Henderson. Before I get into what services would be cut, I have a few remarks to make. We work very hard in Ways and Means. I had the very painful job of chairing the subcommittee for MH/MR. Growth and taxes are not necessarily synonymous. When the economy is down, that's when the needs for people are the greatest. We didn't just have agency people in. We had citizens in; citizens come and testify with very real needs. In spite of this, we still cut that budget by $4 million, a very significant, significant cut from what the governor recommended. I would like to read to you, after the $4 million cut that we've already made, what would be cut in MH/MR: Committee to Hire the Handicapped, Maternal and Child Health Services, Special Children's Clinic, Bureau of Community Health Services, Consumer Protection, radiological health, sexually transmitted disease control, communicable disease control, immunization control, health aid to counties, Mental Health and Mental Retardation, Southern Nevada Adult Mental Health Services, Southern Nevada Child and Adolescent Services, facilities for the mental offender, Rural Clinics, Southern Nevada Mental Retardation Services, Northern Nevada Mental Retardation Services, resident placement, special education, home health care, vocational rehabilitation, financial assistance for physically disabled, community based services, services to the blind, alcohol and drug abuse related rehabilitation, traumatic head injury programs. I could go on and on. That's not the point. With all due respect to my colleague from Henderson, the truth of the matter is that when you budget for people, it is a lot different than budgeting for hardware. And I would assume that all of us have read the papers over the past years and conclude that they didn't do a very good job of budgeting in the Defense Department with their cost overruns and overly-expensive materials, such as Mr. Goetting's favorite subject: commodes. I don't think that we cut can people; we can't treat people like hardware; people are not hardware; people have needs; and again, I would like to repeat, when the economy is bad, that's when the needs are the greatest. I urge you to defeat this amendment.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. I rise in support of this amendment. In a few short blocks on East Charleston, from Maryland Parkway toward Boulder Highway, small businesses are

suffering. A report made yesterday shows that the "Mom and Pop" donut shop is now closed; Manilla Grocery store has closed; the pizza shop will close unless the owner can come up with $20,000 in 90 days; Shorts' bar business is off 20 percent; Queen's Women's Shop will be closing. Another small business owner has had to sell off his retirement property to put $24,000 in the business just to stay open; the Print Shop is down from nine to three employees.

In light of the current recession, 5 percent per year is not asking too much. This amendment will bring the budget more in line with funding of the state's true needs. Give our already suffering taxpayers a chance to stay in business and meet these needs. I ask you to support this amendment.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I rise in very strong opposition to this proposed amendment, and I do so with a great sense of bewilderment that, at this stage of the process, these kinds of budgetary cuts would be proposed. I haven't had a whole lot of time to look through the amendment, but it appears to me that it takes the appropriations act whole hog and begins cutting. As I look through here, some of the things that jump out at me—and I would like you to pay attention to them as well—for example, in Section 23, I notice there is a proposed cut to the Department of Education's budget. Well those of us on Ways and Means who reviewed that budget will recall that we specifically asked the state superintendent how much of his money is from the state general fund, and he said, "We're 85 percent federal dollars and 15 percent state." Now, when you start cutting, what are you going to cut when you're only talking about 15 percent of a budget? In Section 30, you'll notice there's a suggestion to cut Aging Services, and when we asked Aging Services in their 10 percent proposal to come back to us and tell us what reductions would be required in order to meet that, or even come close to it, they told us it would mean doing away with all of the rural senior centers, all of them. On a similar note, how much of Aging Services budget is Nevada money? How much from the general fund and how much from the feds because the Older Americans Act primarily funds Aging Services, and the answer there—state dollars, 17 percent.

Moving on, I see there are further reductions suggested for the Youth Training Center in Elko and Caliente. How very bizarre at a time when we read every day in our papers about problems, drugs, gangs, troubled youth. How and where do we cut in our youth training centers? Shall we not give them food or should we give them less food? Shall we reduce the money we provide for their education? How about cutting positions? That's always a popular one. You bet! Let's cut positions. Do you realize that those two facilities are not secure facilities. They have a fence around them, razor wire. They are staff secure, and if you don't keep your training centers fully staffed, you do not have secure facilities.

Continuing along, food stamps. That looks like a good one to cut. Hungry people. Keep in mind, those are all federal dollars for the cost of the food stamps. The feds also pick up half of the cost of the administration of the Food Stamp Program. Now, there again, where or what shall we reduce? Keep in mind that earlier in this session a lawsuit was brought against the State of Nevada regarding food stamps. Because of the growth and the caseload and because of our low staffing ratios, we are unable to process a food stamp application in the 45 days required by federal mandate, so they took us to court. This is one of three lawsuits brought against Welfare Division this session. I notice, too, there is a suggestion that we reduce the Employment and Training budgets. Employment and Training Program was first passed in the '87 session; it's chief sponsor was our own Speaker. A wonderful program. What is its purpose? Its purpose is to get people off the welfare rolls. Do you want people on or do you want them off? You have to make a decision. If you want people off the welfare rolls, you have to give them skills, you have to give them that "leg up" so they can go out in the job market, get off the welfare rolls and on the payrolls. But no, we're going to cut that one. I notice, too, that there is a suggestion that we reduce BADA. BADA—Bureau of Alcohol and Drug Abuse. Again, how many times has this body discussed the drug problem in our state and the problems it is causing us? I think you should know that over the governor's budget, your Ways and Means Committee reduced $496,000 in the first year of the biennium, and we cut another $458,000 in the second year of the biennium. I am concerned that there is a perception that we have not been

cutting, trimming, and in some cases slashing budgets. We've not been going as far as we could. We've gone as far as we dared. Keep going to court? You'd rather pay attorney fees, court costs, or do you want to stay legal?

And finally, something that jumped off the page at me, which I thought was truly amazing, is a proposal to cut the prison budget. That's a big one. Well I think you should know that over the biennium, your Ways and Means cut the prison budget in excess of $10 million, so prisons have taken their hit. And now, irony of ironies, you also are proposing to cut parole and probation. You want to cut prisons which keeps them in, then you want to cut parole and probation that keeps them out! You've got to make up your mind. You can't have it both ways. So, as I look at this proposal, I'm deeply troubled and disturbed and disappointed at the lack of sincerity because I think, if there had been a sincere effort, not grandstanding, not headline grabbing, not "I'm going to fix myself up for my next campaign," I think they would have gone through the budget with a scalpel instead of a meat axe because this kind of wholesale, indiscriminate budget-cutting serves no useful purpose, and I hope you will defeat this amendment.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. To you, and through you, to this honorable body, I rise in support of Amendment No. 1428 to Assembly Bill No. 818. The task before us has been a most difficult one. We have been asked to balance a budget which reflects a 34 percent increase in general fund appropriations from the last biennium to this biennium with the largest tax increase in the history of our great state. We have to raise $297 million in additional tax revenue just to balance this budget, as well as provide the funding for the classified and unclassified employees' pay bills, and implement class size reduction in our schools.

Mr. Speaker, Nevada's economy has hit some hard times as is reflected by the downturn in anticipated sales tax revenue, as well as gaming revenue. Collections from December 1990 through May of this year are at a combined $10.5 million shortfall over the projected amounts for gaming and sales tax. The budget appropriations bill is a "wants list" which comes at a time when the state is experiencing economic hardship. We cannot justify this budget to the citizens of our great state. Mr. Speaker, it is for those reasons that we have proposed this amendment to Assembly Bill No. 818. This amendment, if adopted, would reduce all budgets within the appropriations act by 5 percent. This 5 percent reduction would produce a savings of $30 million in fiscal year 1991-92 and $32 million in fiscal year 1992-93 for a combined savings of over $62 million. The real winners of this amendment, if adopted, are all of our taxpaying constituents who are opposed to uncontrolled government growth. When we speak of uncontrolled growth, we have to look at the 907 new state employees proposed in the first year of the biennium alone, as well as a combined total of 1,229 new positions in the Executive Budget over the biennium. Yes, Mr. Speaker, that old cliche has never been more appropriate than right now: "Stop government waste and uncontrolled growth."

Mr. Speaker, I have distributed to the members of this honorable body a copy of a letter from our illustrious chairman of Ways and Means to all state agency administrators. The purpose of calling this to everyone's attention is to point out the fact that every agency has had plenty of time and notice to decide how to handle possible budget cuts of up to 10 percent. The passage of this amendment would not come as a shock to any state agency administrator. Mr. Speaker, I strongly urge all my colleagues to show fiscal restraint and adopt this amendment. And I don't believe we are really cutting; just cutting back on growth is what we're doing here. I don't believe this will be a hardship to any of these agencies

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1428. I think it's appropriate, although I apologize, I'll have to try and explain a few of the components of the budget, if I could briefly, in order to respond. So if I could go to Order of Business 15.

Very quickly, for the benefit of all the members, it is important to understand that this act, A.B. No. 818, is the first of seven bills that will comprise "the budget." This act deals, hence, with a portion—although this is one of the more significant portions of the budget—but I want to characterize that for you so you know what we are talking about

here. A.B. No. 818, the general appropriations act, provides the funding for all divisions of state government with the exception of gaming, gaming control, kindergarten through 12 funding, and any class size reduction measures whatsoever. Those are in three separate bills yet to come. Also salaries, any salary increases are dealt with exclusive of this measure. Hence, what is A.B. No. 818? A.B. No. 818 is the funding for the University System, it is the funding for the office of the attorney general, for the office of the secretary of state, for the office of the treasurer, for the Department of General Services, for the Commission on Economic Development, for the commerce department, for almost everything else that you see itemized to some extent in the proposed list of reductions. What is curious to me is that the three speakers who have spoken before me have voted yes on almost, with some exceptions—in particular the exception of my associate from Henderson—yes, in support of the closings of all of those budgets that I just mentioned. I am confused, gentlemen, about which time you meant what you said.

I think what this amendment is all about, Mr. Speaker, is politics versus people. In that sense, I want to respond one bit further by noting that if all we were compelled to do in this legislature in terms of appropriation was to select a percentage of increase, or a percentage of decrease, then we need not be here at all. We need not spend six months hearing budgets. We need not look into the needs of the state and see where growth has occurred and where it is proportionate and disproportionate with available revenue or existing services. We need not weigh what, if any, new programs we want to adopt. We need not address those issues. If all we needed to do, if our job, our constitutional obligation was to say "let's pick a number, O, I don't know, make it 5 percent and reduce every budget by that amount," then the job could be performed not just only by computer, but by a mini-calculator, a watch calculator.

I have attempted to pass out here today, to simplify as best I can, two charts to try and exemplify what this budget is all about. There are really two ways of graphically demonstrating the same thing, but I'll turn first to the pie chart that is entitled, "Allocation of General Fund Spending." What it points out, in brief, it compares the 89/91 biennium that is going to close in about 48 hours here and how the budget monies were allocated, to how the proposed budget would expend those same funds. I want to take a moment and thank all of the members of Ways and Means, even those who spoke and rose in support of this amendment, for their excellent work in crafting the results you see before you. What you see before you is a proportionate reduction in each instance of general government, human resources, public safety, regulatory, conservation, and then the miscellaneous grouping that is everything else. There's only been two growth areas in the budget, if you will, yet all of these areas have received more dollars. But the proportionate increase has only occurred in education and in transportation. In the latter in transportation there has been a 0.1 percent increase. I think that, no doubt, is a result of our increased concern, especially those of us from southern Nevada, about adequately funding our infrastructure needs there. That was a result of Question 10 and its widespread support. The other increase, the increase from 56.7 to 59.3 percent is precisely where I think it ought to be and where apparently, based on my vote tally, almost all of the members of Ways and Means thought it ought to be—in education. And I don't believe there is any shame in an additional 2 percent for education.

When I look at the tally of votes that I see for each of the members of the committee, including a number of those who have chosen to speak today or have chosen to endorse this amendment, again, I have to note my confusion, with the exception again of the gentleman from Henderson. I think, with the exception of two votes apiece, those were unanimous votes in all of the other major budget categories by those who spoke here today. I am, additionally, a little bit annoyed by the notion that I find the names of rural representatives on this proposed amendment. If someone were to say to me early on this session, "Mr. Callister, you're compelled to reduce 5 or 10 percent"—and there was a significant concern about that, and yes, I did author this letter and asked each of the agencies of state government to give us a list of where and how they would prioritize those reductions. As members of this committee and this body know, we referred to those letters on numerous occasions in helping us arrive at our final decisions about where growth should occur and where it ought not, but if I were simply to have indicated what was the

easiest way to generate $60 million in net reductions, which of course would leave us here today attempting to try to generate $240 million in taxes instead of $297 million. I might have suggested these proposals. I might have suggested, as the governor did in his budget, that we shift long-term Medicaid back to the counties. We'd have saved a quick $25 million, but apparently this body didn't have any stomach for doing that, making that hard decision. I could have suggested as my associate has, we close the rural centers and pick up another million and a half, the rural senior citizen centers. I could have suggested that we shift one-half of the obligation for the payment of ADC from the state to the counties, as has been done in California and in other states. We would have picked up $10 million. Let the counties bear their fair share of paying for Elko County's indigent at the expense of other counties. I could have made that proposal. We could have simply cut out the funding for the Northern and Southern Nevada Children's Homes and picked up another $3 million, or shift that to the counties, but I doubt that would have been well-received by the rural representatives here. I could have suggested we cut the health aid to counties which is an absolute pass through; the state pays money to the counties, with the exception of Clark and Washoe. I could have suggested that we have a mandatory release from prison of those inmates that we thought we could no longer afford to keep behind those bars, and pick up another $5 to $10 million. I think that might have been a more meaningful approach to where we would have reduced these expenditures here. I chose not to do so because I didn't feel like it would meet with support in this body.

What we did do was cut $750,000 from the BADA expenditures, as mentioned by my associate from Las Vegas; we cut $12 million from prison spending; we cut $5 million from University of Nevada System, proposed enhancements; we cut $885,000 from the distributive school account; we made major reductions in the governor's proposal. We made each and every reduction we thought was appropriate, but in an era of unprecedented growth, growth takes its toll.

Mr. Speaker, I'll have some remarks when we address the budget, but I urge all of you here today to give serious consideration before you cast this vote. I urge you to think not of politics, but of people, of kids in overcrowded classrooms, the state employees who deserve a raise. I urge you to think of the programs that we provide for the indigent. I urge you to remember the remarks of our own director of prisons earlier this week in a series of articles in the southern Nevada press in which he noted that we're fast approaching the time when we'll have as many mentally handicapped people behind bars in this state as we do in our general system. You have to pay for those needs, or somebody does, or I imagine we could just let them join the ranks of the homeless and, in effect, give that cost to the cities or the counties as we have done. I think this proposal is irresponsible, Mr. Speaker. I think it appeals to all of us at our most base nature, our political nature. I think it bespeaks political expediency and not political courage. I urge its failure.

Assemblymen Porter, Myrna Williams and Garner moved the previous question.

Assemblymen Goetting, Pettyjohn and Stout requested a roll call on Assemblyman Porter's motion.

Roll call on Assemblyman Porter's motion:

YEAS—26.

NAYS—Bayley, Gibbons, Goetting, Gregory, Hardy, Heller, Johnson, Kerns, Lambert, Little, McGaughey, Pettyjohn, Scherer, Stout, Wong—15.

Absent—Bergevin.

The motion having received a majority, Mr. Speaker declared it carried.

The question being on the motion to adopt Amendment No. 1428 to Assembly Bill No. 818.

Assemblymen Goetting, Bayley and Pettyjohn requested a roll call on Assemblyman Pettyjohn's motion.

Roll call on Assemblyman Pettyjohn's motion:

YEAS—12.

NAYS—Anderson, Arberry, Bache, Bennett, Callister, Carpenter, Elliott, Evans, Freeman, Garner, Giunchigliani, Haller, Heller, Humke, Johnson, Krenzer, McGaughey, McGinness, Marvel, Norton, Petrak, Porter, Price, Sader, Scherer, Spitler, Myrna Williams, Wendell Williams, Mr. Speaker—29.

Absent—Bergevin.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblyman Callister.

Assemblyman McGaughey moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:32 p.m.

## ASSEMBLY IN SESSION

At 6:02 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Goetting, Stout, Wong, Pettyjohn, Evans, Scherer, Price, Freeman and Little.

Assemblyman Pettyjohn requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. A.B. No. 818, the appropriations act in conjunction with the six other major funding bills which I just mentioned will be considered later, are the final results of the session-long deliberations by the Ways and Means Committee and the Senate Committee on Finance. The two committees met separately and then resolved their differences through conference action. First, I would like to provide an overall general fund summary. The money committees' recommendations provide for a general fund appropriation of $2.19 billion during the 1991-93 biennium. The general fund amount represents an approximate 34 percent increase in the amount approved for the current biennium. The Assembly Committee on Ways and Means has spent the last few months reviewing the Executive Budget which recommended general fund operating appropriations of approximately $2.20 billion. The results of these deliberations by the money committees has resulted in reducing the amount to approximately $2.18 billion. Highlights of some of the spending recommendations include as follows:

Education—The education funds are recommended to receive 59.3 percent of the total general fund appropriation during the upcoming biennium. This increase is from 56.7 percent provided by the 1989 Legislature.

Distributive School Account—The recommended budget for the Distributive School Account alone accounts for approximately $210 million in additional state funds over the 1991-93 biennium. The only discretionary funds included in the general fund support is the recommended 4 percent salary increase, effective October 1, 1991, which represents approximately $50 million of the $210 million in additional state support.

Class Size Reduction—The class size reduction recommendations are not contained in this measure, but I would like to briefly mention them at this time. The Assembly Committee on Ways and Means is recommending that a 16 to 1 class size ratio be utilized in grades 1 and 2 in fiscal year 1991-92, and beginning in the fall of fiscal year 1992, grade 3 will also be funded at the same level. I would note that we are still not complying with the statute in so funding. It is important to remember that pursuant to existing NRS

provisions, and there has been no proposed amendment to the class size provisions of the law, the law compels us to provide class reductions at a 1 to 15 level. So we are truly not in compliance, but the recommendation was to adopt the 1 to 16 ratio because it generated about a $15 million savings over the lower 15 to 1 that was proposed by the Senate side. Along with the use of estate tax revenues which are exclusively, statutorily earmarked for class size reduction and no other measure, the state general fund support required to implement these recommendations amounts to approximately $8 million in additional funding over the biennium. In other words, the cost of doing third grade in addition to second grade is about $8 million. It should be noted through a thorough analysis of the distributive school account, it was found that the budgeted salary for non-teaching personnel was overstated which resulted in a savings that was made available of over $10 million for the class size program.

University System—General fund support for the University System's budget is recommending an unprecedented 28 percent increase to amounts provided over the current biennium. Enhanced funding is recommended for support services, for grants in-aid, for improved student/faculty ratios, for improved new positions' salaries, for library funding for the Desert Research Institute and many other areas.

Human Resources—The human resources section of the budget provides funding for the divisions of rehabilitation, health, welfare, mental hygiene and mental retardation, as well as youth services. This section of the budget is recommended to receive approximately 21.6 percent of the total general fund appropriation. This compares to last biennium's 22.6 percent, a reduction of about 1 percent. In reviewing the proposed reorganization of the new Youth Services Division, the money committees made numerous budget reductions, realigned proposed expenditures in some accounts and increased others. These reductions resulted in potential savings in one area being redirected to cover cost shifts to the counties, in this instance in the amount of approximately $890,000. The Executive Budget also included a recommendation for new funding of approximately $3.2 million over the 1991 biennium to implement the recommendations of the governor's drug commission. The committees were cognizant of the need for these new programs. We were also faced with the decision of balancing the continuance of existing programs. To this end the committees reduced the new general fund support for these new programs by approximately $955,000 and redirected $200,000 to enhance existing programs instead. Within the Welfare Division it was noted the caseload for the Aid to Dependent Children had increased by approximately 2,300 recipients between January and April of 1991. Of course, as all the members are aware, these are federal mandates. We do not determine what the level is and to whom we will make these appropriate payments; it is mandated by the feds in order for us to receive their 50 percent participation. Based upon this enormous growth in caseload, the Welfare Division presented the money committees with new caseload projections which indicated the caseloads would surpass those recommended in the Executive Budget. Of course, this had also been the case in prior bienniums. The money committees noted the caseload mix between public and nonpublic housing required adjustment to reflect the current trends. The projected caseload increase and the adjustment between public and nonpublic housing required additional funding which the money committees were able to find within the budgetary savings generated in the ADC unemployed parent projection calculations and average grant payments included in the Executive Budget. Finally, the money committees did not concur with the Executive Budget recommendation to shift the cost of long-term care to the counties. The recommendation not to shift long-term care to the counties will increase the state's share of the Medicaid budget by more than $25 million over the biennium.

Public Safety—The Public Safety section of the budget provides funding for the Department of Prisons, the Department of Parole and Probation, the Parole Board and the Department of Military. Based upon legislation considered and approved by this committee, a net reduction of approximately $10 million is recommended by the money committees for the public safety section of the Executive Budget. I think this is an unprecedented first, one to which I really want to speak my appreciation for the members of the committee and to the members of the Incarceration Alternatives Committee who were largely responsible through their courage and foresight in adopting new and innovative

approaches to incarceration and incarceration alternatives. It was clearly a "guns/butter" kind of decision. We were able to generate significant savings from the general fund. I think you see those savings manifested in the major steps forward in the University System expenditures. An addition to the legislation considered and approved by the legislative body is a calculated estimate to reduce the average growth in the prison population by approximately 1,000 inmates over the biennium.

Briefly, what I would like to do in closing, Mr. Speaker, I have distributed two documents that I think give a flavor of how we spent the money. I know one of the most chronically asked questions from me is, "Where is the new revenue, the $297 million, being expended?" I want to try and characterize that briefly, if I could today. I don't have a graphic, so I'll have to ask you to visualize this. If I had a chalkboard in front of me, I'd draw a pie that represented the $297 million in additional revenue that is being sought in order to balance this budget. In other words, we have a $2.2 billion budget, $1.9 billion in available revenue. Why is that shortfall? Largely that shortfall between the $2.2 billion and the $1.9 billion is a result of reductions we have experienced in sales tax and gaming revenue, as mentioned by some of the speakers in support of the amendment. However, since January we've experienced the most precipitous decline in sales tax revenue in almost a decade, and that decline has resulted in an additional $49 million. In truth, this budget only needs about $251 million for new spending. The other $49 million is a reduction from existing revenue, but it is the epitome of "funny money," if you will. That difference, that $49 million difference, is the result of us being compelled to anticipate sales tax revenue 24 months from now premised upon sales tax performance during February, March and April which represented the worst performance in sales tax revenue in the prior decade. You can appreciate how difficult it is in a biennial budgetary cycle to try and guess what our revenue will be 24 months from now, and based on that projection, anticipate how much we will need in additional revenue. It is a very treacherous course. I think it speaks loudly to the reason why I am a supporter of some kind of, at least, fixed-term, annual, fiscal cycle or budgetary cycle so we can get out of that trap and go back to being like the rest of the world and most of the nation and craft a budget based on 12-month projections instead of 24.

So, back to that budgetary pie, one-sixth of it, $49 million is the result of this question mark about how sales tax will impact us. We have to presume the worst. Another two-sixths is the result of the 4 percent salary increases even deferred 90 days, and the members of this body need to understand that, that a full $85 million of the $300 million or $297 million or $250 million new spending, if you will, is a result of the 4 percent salary increases. Another $40 million is a result of University of Nevada System enhancements other than salary enhancements. Finally, about $8 million is comprised of the increase because of the Ways and Means and Senate recommendation that we go ahead and take care of third grade at a 16 to 1 ratio, the difference being about $8.5 million. The balance, the other two-sixths, a little more than that and a little shy of one-half, is the growth, and that manifests itself in every budget from the Department of Prisons to Aid to Dependent Children to counselors for elementary school children. That comprises, in quick reference, the proposed $297 million in new revenue. I'd be happy to entertain any questions. I urge your adoption of this budget.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 818. I'm concerned about the confusion on the part of our chairman of Ways and Means on some of our voting records. For example, he points out most all of us voted for the 25 percent increase in the University of Nevada System's budget. I, for one, voted yes on that budget, but when we had our joint budget closings with the Senate Finance, we added another $10 million which I voted against and which is included in this budget bill. We can go on and on about the lack of restraint we have shown in this budget, but the facts remain the same, the people of our state will remember a $300 million tax increase which reflects a 34 percent increase in general fund appropriations. They won't remember the charts and graphs, misleading information, and smoke and mirrors that were employed in selling this package deal. I wonder if the same tactics prevailed when the 300 percent pension

increase was sold. I can see the mailers now, "1989: 300 percent pension increase; 1991: $300 million tax increase; 1993: question mark." I urge the defeat of Assembly Bill No. 818.

ASSEMBLYMAN STOUT:

Thank you, Mr. Speaker. Early on this morning, we had the chairman of Ways and Means and the vice chairman wonder aloud and often and very eloquently how we could be doing what we're doing. All over the country their budgets are going in the toilet; New York just laid off 10,000 people that work for the State of New York because they couldn't meet their budgets. All over, people are trying to be a great help to other people with state funds and tax dollars, and they're falling short. As my colleague from Las Vegas just said, we voted against a lot of these things, but we're in the minority, and on every committee and every subcommittee, there's a majority and there's a minority, and those minority votes don't always get tallied and sometimes the votes that are in the regular meetings don't get tallied. So don't say we didn't vote for it. Yesterday, the chairman of Ways and Means made a statement that we voted for 95 percent of the budget. Well, we're asking for that 5 percent to be cut. I wish you to support our vote against this budget.

ASSEMBLYMAN WONG:

Thank you, Mr. Speaker. I rise in opposition to A.B. No. 818. I note some earlier comments today when they stated it was fiscally irresponsible not to vote for this budget. Well, when I walked my district, I can tell you frankly the people told me it would be fiscally irresponsible to vote for this budget. And I intend to answer to that constituency by voting no on A.B. No. 818.

ASSEMBLYMAN PETTYJOHN:

Thank you, Mr. Speaker, but I perhaps some day soon will qualify to be a "notch baby" so that's alright. You know, John Dillinger once said that, "It's easier to rob a bank with a gun and a smile, than it is with a smile alone." I don't draw an analogy or a parallel on this situation concerning the budget, but thought perhaps it would take the edge off of me if I keep my sense of humor a little bit and my perspective and recognize that all things sometimes are not as serious as what we make them out to be. This particular issue is a serious issue to the people of this state; so, therefore, I think the debate is healthy, it's good, it's a reflection of the democratic process. Sometimes it's a very painful and laborious thing for us to go through, but necessary for us to put the dialogue in front of the public whom we serve.

I'd like to address a couple of points concerning A.B. No. 818, and reemphasize a couple of things that were said this morning and to correct what I think is a misleading statement which was made on a couple of occasions. I would like to tell you that the figure I used this morning, that the current work program is $868.277 million is right from our own staff people, so I am sure they are all accurate and correct. The increase in that budget was, in fact, to the first year of the biennium 22.2 percent and the second year, 34.3 percent. In the case of education, and that's the one I want to emphasize because we went from a $505 million budget in the current work program to the first year of the new biennium, $624 million or plus 23 percent. I know when you work a pie chart, that may be only 2 percent of the increase in the total budget, but the amount in that pie is an awfully big slice. It may well be warranted, but it is the growth and the increases we're talking about.

Relevant to some of the other individual budget items which were focused on, I think probably those of you in the gallery and also on the floor heard the comments about cutting. We're cutting things away from people, we're cutting this out and we're not going to do that, and we're not going to provide this service, and so forth and so on. Well, let me put into perspective a little bit of that thinking and those words. Let's take the office and mansion of the governor. The growth and increase in that office is 34.6 percent. Now by cutting the budget by 5 percent, we're just simply saying, "Listen, Mr. Governor, could you get by, you know, with 29 percent growth in your budget this year instead of going to 34.6?"

Let me go to one other item in the prisons that was brought up. There's one particular line item in there that's 183 percent growth. The average in that division is 29.3 percent.

We're just saying that we think you can tighten up the management a little bit, you can do a little bit better, the people are a little short of money this year. We think that maybe on 24 percent you can work; 24 percent growth, not a cut; just control the growth a little bit. Commission on Economic Development growth is 67.8 percent; Department of Education, just in the department itself, total 79.8 percent. Questions were asked about the Department of Human Resources. Division of Aging, that was a sum that touched people's heart, 61 percent growth. We're just saying, "We know you need the help, we can give you the help. How about working just a little harder to do it on a little bit less.

I recognize that we heard many stories from many people during the course of the hearings. Let me tell you a story. I got a telephone call about two weeks ago from a young lady, a young mother. She was sobbing to me on the phone and saying to me, "I am a divorced mother. I have two children. I work as a secretary for a savings and loan company. I haven't had a raise in more than a year. I sometimes babysit in the evenings to get enough money to pay my rent, and you're going to tax me, a big increase in taxes, to pay for all these other services. Where's my turn?" It took me a long time to be able to even address some kind of an answer to her. So, I guess what I'm saying, Mr. Speaker and to this body, is I'm not against taxing, I'm not against spending, and if we had the ability to reduce this budget, as we just passed up the opportunity, I would vote for taxes, I would vote for spending. If this budget could get down to the amount of the amendment which was defeated, to cut it by $62 million over the biennium, make it around $250 million increase—in growth, not just a base—that's an increase over the work program—I would vote for taxes and I would vote for the budget at that level, but I can't vote for a budget which I know is bloated, it has excesses in it, and I would urge our colleagues to think about the people who are not able to come here and appear before committees and testify for themselves.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I rise in support of A.B. No. 818. As many of you know, in the Ways and Means Committee we operate on a subcommittee system. There's a lot of work to be done and we try to spread it around. For the past three sessions I have chaired budget areas in the Department of Human Resources: Welfare, Aging and Youth Services. In that subcommittee we had many long and heated debates, and I can assure you that every decision was a wrenching decision. Those of you who know me know of my sentiments about the people who are affected by these budgets because they are old people, sick people, disabled people and children. But, nevertheless, we knew we had to do our part and put it into the overall context of the budget, and we knew that we could do no less than to make cuts here, as painful as it was. And cut we did. For example, in Welfare we cut the administration budget, Aid to Dependent Children, Medicaid, food stamps, and the employment and training program that I mentioned early today. Total cuts in this one budget area for the biennium are in excess of $14 million. Now, with all deference to my colleague from Clark County who a moment ago referred to "smoke and mirrors," I don't see any smoke or mirrors in a $14 million reduction. That's real and that is substantial, and to suggest anything less is—I'll be polite—a gross misrepresentation.

In Ways and Means we took a no-nonsense approach to budget building, and we made reductions wherever we could, but we always stopped short of crippling our agencies for, clearly, that is not in the best interest of our people. I appreciate the hard choices that my colleagues on Ways and Means made, and I appreciate and respect the difficult choices the rest of you will have to make today. Mr. Speaker, at this point I think we're all a bit tired, and perhaps a little bit like the old lion in the "Wizard of Oz," we're searching for courage. Let's pull together, let's link arms and find the courage to do the right thing. Let's pass the appropriations act for it is truly in the best interest of Nevada's people, and I respectfully solicit your support for A.B. No. 818. Mr. Speaker, Order of Business 15. Thank you, Mr. Speaker. In a number of newspapers in the last couple of days, there were various headlines that talked about "legislators bicker as the poor wait for aid." What we have is some 9,000 ADC checks that cannot be mailed, Medicaid payments for the ill that cannot be made, and the monthly payments that go to our foster parents. So I would hope that this house will expeditiously pass A.B. No. 818. I have spoken with Chairman Horn

in the Senate, and he assures me he will do everything possible to pass A.B. No. 818 from the Senate today. Governor Miller is standing by. Ms. Ryan and the Welfare Division have volunteered to work tomorrow to get the checks in the mail. It's up to you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in opposition to A.B. No. 818. I had not intended to speak, but I feel compelled to respond to claims of misrepresentations, to claims of cuts. The cuts that have been described are from what the governor submitted. It's easy to cut from something that is extraordinarily bloated in the first place, and we need to be talking about where we started from and where we've gone to and not cutting from something that was too much to start with.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. One of my colleagues mentioned New York. I don't know if any of you have looked at the issue that's on the stands right now of *USA Today,* but those headlines say, "States face record tax hikes." This argument and the problems that we are wrestling with here this afternoon are, in actual fact, are being wrestled with in legislatures all across the United States. They were good enough to mark down what some of those legislatures are doing, so I wondered what New York was doing. Budget deficit, $29 billion; single largest revenue increase, $500 million in gas taxes, $69 million from sales tax on telecommunications, $25 million increase in corporations, $12 million in vehicle registrations and fees. They're dealing with the same thing we're having to do, raise taxes, try and keep their state going. Earlier this morning it was described accurately the desperate situation that some businesses are in on Fremont Street down in Las Vegas, an area that's been going downhill, an area where businesses are having a tough time. I will tell you and I would challenge anyone to show me any business in Nevada which is failing because of taxes that they are paying to fund our general fund that we're talking about. There are none, and the reason is there are no tax dollars coming from businesses into that general fund except for the three industries that I mentioned yesterday: gaming, insurance and mining. There are no stores, no restaurants, no motels or the other types of businesses. They're failing because of hard times, which we do recognize, but we still have to run our government. They're failing sometimes possibly because of being in an area that's been going downhill which is regretful.

When we were looking at some of the areas for which we are using this money, one of the things, just a small one, that struck me this morning is the school lunch program. I can tell you that in my area, the school lunch program is the best meal that many of those little kids get during the course of their day, and I have to tell you, in actual fact, it's probably the only real meal that some of them get. Trying to do a budget is balancing what we feel our values are, the responsibility that our state has to our citizens, and we try to balance that with what do we take from them and what do we give back to them. It's a fight that's been going on, I suppose, ever since democracy and budgets began, or even before democracy. I guess it will go on forever. But I would suggest that after these many weeks and months of working line by line, which is not my preference in the way of doing budgets, we've come to about as good of a point as we're going to. As we hear from time to time, something that makes everybody mad, those who don't think we are giving enough and those that think we are giving too much. I would urge that we take this general appropriations bill and get it over to the other side.

I marked down something the other day. I thought to myself, when we came here, we came in January with ideals, and I think that's especially so with our new members. We started learning about new deals and big deals and secret deals, and now it's become an ordeal to be here. I would hope that we would get this behind us and make it a done deal so we can get out of here!

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I rise in support of A.B. No. 818. I don't serve on Ways and Means. I do not have a hand in crafting this budget, but I have been here three sessions and have watched the budgetary process and listened to it. I would like to point out to you members that my husband and I live on retirement plus the enormous salary I make working over here. Paying taxes is as much a burden on us as it is on anyone else, but we

do live in a state where we have a very large group of people who are unskilled and make low pay. These are the people who cannot afford child care, whose children go to school sometimes without breakfast. I've had teachers tell me that they take food with them to school to give the children. They come to school sometimes with their clothes on inside out and backward. We seem to have a lot of parents out there who are dysfunctional. We need to do what we can as citizens of this state to support those who cannot do for themselves, those who are working, who are trying to make it. We need to give them the helping hand, and I do plan to vote for this budget.

ASSEMBLYMAN LITTLE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I will stand in opposition of this bill for many reasons. I believe truly that many people here really are sincere about helping all those children, senior citizens and families out there. I happen to have been one of those families that had some of those difficulties, and I know how difficult it is to try and get on your feet and get going when everything is against you. I left school when I was 15 years old; that wasn't the taxpayers' fault. When I was divorced at 32 years old and I had five children, it wasn't the taxpayers' fault. One problem I did have was getting the government to help make the other side of this, their dad, pay. That was the problem I had, and that's one of the things I think we should address here, not the taxpayers should pay for everybody else's kids but the parents that had those children should pay for them. Another problem that I had was I couldn't find a job, I didn't have a high school diploma. Well, I didn't ask the government to pay for me to go to school. I went to night school for four years and I graduated three days before my son, Frankie, did from high school. I did that because I know that education is important, and that it is very important that we educate our children. But I don't see our kids getting educated. My grandchildren come home, they have very poor grades. They have an "A" on their report card, but they're in the fifth grade, fifth level of reading which is a poor level of reading. I am very unhappy with education. I feel there are a lot of good teachers out there, but unfortunately those aren't the ones that are getting the credit. I think we need to look at education and look on merit pay and reward those that are doing the job and not those that aren't.

I want you to know that also I got involved, after my own problems, with a volunteer group. I worked with the group and we passed out food and clothing and helped families and children, we even sent some women and their children back to the states where they came from. That was all voluntary, that wasn't government. Well, I want you to know that three girls came in one day and wanted some food and clothing and some things taken care of. They lived at the Donna Apartments, which is the low cost housing. I asked them if there was anything else we could do to help them get on their feet, maybe get them some job training, or else help them get a job. Their reply to me was, "Why should we get a job when we have housing, when we have medical for our children, when we have no worries about having food when we have food stamps." That kind of upset me because these were young women that we should be helping get on their own feet. Their problem was, if they get off of all these programs, they'd have to find a job, find a baby-sitter, find transportation, and they wouldn't have the medical. Well, I have to tell you, the people next to me that live in my neighborhood, both parents work, have two children, they sacrifice every day to provide for themselves, and I will be darned if I would go ahead and tax them to pay somebody else's children and their problems. Thank you.

Roll call on Assembly Bill No. 818:

YEAS—26.

NAYS—Bayley, Gibbons, Goetting, Gregory, Hardy, Heller, Kerns, Lambert, Little, McGaughey, Pettyjohn, Scherer, Spriggs, Stout, Wong—15.

Absent—Bergevin.

Assembly Bill No. 818 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 393, 818 and Senate Concurrent Resolution No. 9 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Price moved that Senate Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Haller moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Haller.

Motion lost.

Assemblyman Price moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a bill (BDR 32-2318) requested by the Committee on Taxation, be introduced by individual assemblymen.

Remarks by Assemblyman Price.

Roll call on Assemblyman Price's motion.

YEAS—41.

NAYS—None.

Absent—Bergevin.

The motion having received a constitutional majority, Mr. Speaker declared it carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Health and Welfare, to which was referred Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 825, 826; Senate Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 156, 501, 514, 624.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 72.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 2.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2:

Assemblyman Porter moved that the resolution be referred to the Committee on Legislative Functions and Elections.

Motion carried.

Senate Concurrent Resolution No. 72.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Functions and Elections:

Assembly Bill No. 827—An Act relating to the state legislature; revising the amendments to certain assembly districts in Senate Bill No. 647; revising the effective date of Senate Bill No. 647; and providing other matters properly relating thereto.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

By Assemblymen Haller, Giunchigliani, McGaughey, Gibbons, Bergevin, Petrak, Bennett, Elliott, Garner, Anderson, Bache, Johnson, Gregory, Freeman, Dini, Myrna Williams, Spitler, Evans, Arberry, Krenzer, Wendell Williams, Porter, Price, Sader, Wong, Stout, Marvel, Humke, Spriggs, Goetting, McGinness, Norton, Hardy, Scherer, Lambert, Kerns, Carpenter, Bayley, Heller, Callister and Pettyjohn:

Assembly Bill No. 828—An Act relating to property taxes; revising the provisions regarding the refund of property tax for senior citizens; revising the provisions regarding the renters' refund for senior citizens; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 156.

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

Motion carried.

Senate Bill No. 501.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 514.

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

Motion carried.

Senate Bill No. 624.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Legislative Functions and Elections and Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 827.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 827:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 827 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblymen Krenzer, Stout and Pettyjohn.

Roll call on Senate Bill No. 469:

YEAS—40.

NAYS—Stout.

Absent—Bergevin.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 532.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Senate Bill No. 532:

YEAS—39.

NAYS—None.

Absent—Bergevin.

Not voting—Scherer, Mr. Speaker—2.

Senate Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 626.

Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Senate Bill No. 626:
YEAS—41.
NAYS—None.
Absent—Bergevin.

Senate Bill No. 626 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 559.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 559:
YEAS—40.
NAYS—Stout.
Absent—Bergevin.

Assembly Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 245 be taken from the Chief Clerk's desk and placed at the top of the General File.
Remarks by Assemblyman Porter.
Motion carried.

Assemblyman Callister moved that Senate Bill No. 413 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Callister.
Motion carried.

Assemblyman Sader moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Sader.
Assemblymen Sader, Porter and Myrna Williams requested a roll call on Assemblyman Sader's motion.
Roll call on Assemblyman Sader's motion:
YEAS—22.
NAYS—Arberry, Bayley, Elliott, Freeman, Gibbons, Goetting, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Marvel, Pettyjohn, Spriggs, Stout, Wong, Mr. Speaker—19.
Absent—Bergevin.

The motion having received a majority, Mr. Speaker declared it carried.
Assemblyman Sader moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Sader.
Motion carried.

Assemblyman Porter moved that Assembly Bill No. 546 and Senate Bill No. 641 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 824; Senate Bills Nos. 241, 420, 503, 515 and 655 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 825 and 826 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 294, 338, 438, 500 and 656 declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 324, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

| | |
|---|---|
| VAL Z. GARNER | DINA TITUS |
| ROBERT E. PRICE | WILLIAM J. RAGGIO |
| *Assembly Committee on Conference* | ANN O'CONNELL |
| | *Senate Committee on Conference* |

Conference Amendment No. 34.

Amend sec. 2, page 2, line 32, by deleting the open bracket.

Amend sec. 2, page 2, line 35, by deleting the closed bracket.

Amend the title of the bill, fourth line, by deleting "petition;" and inserting: "petition before it is submitted for the verification of the signatures thereon;".

Assemblyman Myrna Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 324.

Remarks by Assemblyman Myrna Williams.

Motion carried.

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 783.

The following Senate amendment was read:

Amendment No. 1464.

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

"Sec. 2. NRS 599B.020 is hereby amended to read as follows:

599B.020 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A licensed insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) The solicitation of sales of a newspaper or magazine of general circulation [, or to any] *or any solicitation of sales made through or on behalf of a newspaper or magazine of general circulation.*

*(e) Any* solicitation of sales made on behalf of a broadcaster licensed by any state or federal authority.

[(e)] *(f)* The solicitation of sales by a nonprofit organization if no part of the net earnings from the sales inures to the benefit of any private shareholder or other person.

[(f)] *(g)* The solicitation of sales by a public utility or motor carrier which is regulated pursuant to chapter 704, 706 or 710 of NRS, or by an affiliate of such a utility or motor carrier.

[(g)] *(h)* Any publicly traded corporation *which has securities* registered with the Securities and Exchange Commission [,] *or which is exempt from registration under subparagraph (A), (B), (C), (E), (F), (G) or (H) of paragraph (2) of subsection (g) of section 12 of the Securities Exchange Act of 1934 (15 U.S.C. § 78 1),* or any subsidiary of such a corporation.

[(h)] *The exemption provided by this paragraph does not apply to an issuer of penny stock as defined in section 3(a) of the Securities Exchange Act of 1934.*

*(i)* The sale or purchase, or solicitation or representation of books, recordings, video cassettes or similar items through an organization whose method of sales is governed by the regulations of the Federal Trade Commission relating to the use of negative option plans by sellers in commerce [.

(i)] *, including the use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements under which the seller periodically ships merchandise to a prospective purchaser who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.*

*(j)* The solicitation of sales by a person who periodically publishes and delivers a catalog of the seller's merchandise to prospective purchasers, if the catalog:

(1) Contains a written description and illustration of each item offered for sale;

(2) Includes the business address of the seller;

(3) Includes at least 100 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

[(j)] *(k)* The solicitation of sales by a person, or by any agent of that person, who does not intend to complete, and does not complete, the sales transaction by telephone.

[(k)] *The exemption provided by this paragraph does not apply to any person who, immediately after soliciting a sale by telephone, causes another person to collect the payment from or deliver any item purchased to the prospective purchaser.*

*(l)* The solicitation by any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this state or of the United States.

[(l)] *(m)* A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

[(m)] *(n)* A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

[(n)] *(o)* The solicitation by a person soliciting the sale of services provided by a community antenna television company holding a franchise issued pursuant to chapter 711 of NRS.

[(o)] *(p)* The solicitation by a person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100. As used in this subsection, "agricultural products" has the meaning ascribed to it in NRS 587.290.

[(p) The solicitation by an issuer or subsidiary of an issuer relating to a class of securities subject to the provisions of section 12 of the Securities Exchange Act of 1934 (15 U.S.C. § 78 l) and which is registered or exempt from registration under subparagraph (A), (B), (C), (E), (F), (G) or (H) of paragraph (2) of subsection (g) of that section.]

(q) *A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:*

*(1) Products are displayed and offered for sale or services are offered for sale and provided at the seller's business establishment; and*

*(2) At least 50 percent of the seller's business involves the buyer obtaining such products or services at the seller's business establishment.*

*(r)* The solicitation by a person soliciting only the sale of telephone answering services to be provided by the person or his employer.

[(r)] *(s)* The solicitation by a person relating to a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act (7 U.S.C. §§ 1 et seq.); and

(2) The registration or license has not expired or been suspended or revoked.

[(s)] *(t)* The solicitation of contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

[(t)] *(u)* A person to whom a nonrestricted gaming license has been issued pursuant to chapter 463 of NRS.

[(u)] *(v)* The solicitation of a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

[(v)] *(w)* The solicitation by a person soliciting the sale of livestock.

2. The exemptions provided by subsection 1 may be asserted as affirmative defenses in any judicial or administrative proceeding commenced pursuant to this chapter.

Sec. 3. NRS 599B.050 is hereby amended to read as follows:

599B.050 1. The provisions of this chapter must be administered by the division under the supervision of the director of the department of commerce.

2. The commissioner may, with the approval of the board, adopt:

(a) Regulations providing for the licensing and discipline of sellers and salesmen and establishing standards of conduct for licensees; [and]

(b) *Regulations providing for exemptions in addition to those set forth in NRS 599B.020, if necessary, which are narrow enough in scope to continue to protect the public; and*

*(c)* Such other regulations as are necessary to carry out the provisions of this chapter.

3. The fees collected pursuant to this chapter must be deposited with the state treasurer for credit to the appropriate account of the division and [must] *may only* be used to defray the costs of [administering those provisions.] *:*

*(a) Administering the provisions of this chapter.*

*(b) Enforcing the provisions of chapter 598 of NRS as they relate to the conduct of sellers, whether or not the sellers are licensed pursuant to this chapter.*".

Amend the title of the bill, third line, after "commerce;" by inserting: "removing certain exemptions from licensure; authorizing the adoption of additional exemptions by regulation; broadening the permissible uses of certain fees;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to telemarketing business. (BDR 52-2229)".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 783.

Remarks by Assemblyman Arberry.

Conflicts of interest declared by Assemblymen Porter and Spitler.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 395, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| ROBERT M. SADER | DINA TITUS |
| JOSEPH JOHNSON | WILLIAM J. RAGGIO |
| BERNIE ANDERSON | ERNEST E. ADLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 395.

Remarks by Assemblyman Sader.

Motion carried.

*Mr. Speaker:*

The second Committee on Conference concerning Assembly Bill No. 566, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

| | |
|---|---|
| JOSEPH E. DINI, JR. | RANDOLPH J. TOWNSEND |
| GENE T. PORTER | LEONARD V. NEVIN |
| JOAN A. LAMBERT | JOHN M. VERGIELS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Porter moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No. 566.

Remarks by Assemblyman Porter.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 701, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 35, which is attached to and hereby made a part of this report.

| | |
|---|---|
| RICK CHARLES BENNETT | BOB COFFIN |
| GAYLYN J. SPRIGGS | WILLIAM J. RAGGIO |
| KEN L. HALLER | THOMAS J. HICKEY |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 35.

Amend sec. 7.5, page 3, line 22, by deleting "*18*" and inserting "*24*".

Amend sec. 18, page 7, line 46, by deleting "[funds] *money*" and inserting "money".

Amend sec. 18, page 8, line 1, by deleting "[funds] *money*" and inserting "money".

Amend sec. 18, page 8, line 5, by deleting "[shall] *must*" and inserting "must".

Amend sec. 18, page 8, by deleting lines 13 through 19, and inserting: "public employer.

4. Payroll reports must contain information deemed necessary by the board. If the payroll reports are not filed or the amounts due are not remitted within the time provided, a penalty of 4 percent more than the prime rate of interest as published in the Wall Street Journal (Western Edition) for the first date the payment or report becomes delinquent prorated for the period delinquent, on the unpaid balance due must be assessed at the time of receipt of the payment or report.

5. A notice of the penalty assessed must be mailed by certified mail to the chief administrator".

Amend sec. 18, page 8, line 25, after "accept" by inserting: ", *no later than 30 days after the notice is received,*".

Amend sec. 18, page 8, line 28, by deleting "4." and inserting "6.".

Amend sec. 18, page 8, line 35, by deleting "5." and inserting "7.".

Amend sec. 19, page 9, line 3, after "effective on" by inserting: "the first day of the first reporting period for payroll commencing after".

Amend sec. 23, page 11, by deleting lines 17 through 27 and inserting:

"(b) Upon termination of the employment, he is entitled to receive, upon written request, a refund of all contributions made by him during the employment. [If] *Except as otherwise required as a result of section 3 or 4 of this act, if* he does not request the refund and the duration of the employment was at least 6 months, he gains additional service credit for that employment and is entitled to have a separate service retirement allowance calculated based on his compensation and service, effective upon the termination of that employment. If the duration of the employment was:

(1) Less than 5 years, the additional allowance must be added to his original allowance and must be under the same option and designate the same beneficiary as the original allowance.

(2) Five years or more, the additional allowance may be under any option and designate any beneficiary in accordance with NRS 286.545.".

Amend sec. 25, pages 12 and 13, by deleting lines 30 through 48 on page 12 and lines 1 through 3 on page 13 and inserting:

"1. Except as otherwise provided in this subsection, a monthly service retirement allowance must be determined by multiplying a member's average compensation by 2.5 percent for each year of service, except that a member:

(a) Who has an effective date of membership on or after July 1, 1985, is entitled to a benefit of not more than 75 percent of his average compensation with his eligibility for service credit ceasing at 30 years of service.

(b) Who has an effective date of membership before July 1, 1985, and retires on or after July 1, 1977, is entitled to a benefit of not more than 90 percent of his average compensation with his eligibility for service credit ceasing at 36 years of service.

In no case may the service retirement allowance determined pursuant to this

section be less than the allowance to which the retired employee would have been entitled under the provisions of this section which were in effect on the day before the effective date of this act.".

Amend sec. 25, page 13, by deleting lines 23 through 25.

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 701.

Remarks by Assemblyman Bennett.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 413.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 413:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 245:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 807 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 815 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 546.

Bill read third time.

Remarks by Assemblyman Spriggs.

Roll call on Assembly Bill No. 546:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Assembly Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 641.

Bill read third time.

Remarks by Assemblymen Freeman, Carpenter, McGinness, Little, Sader, Pettyjohn, Stout, Myrna Williams, Price and Gibbons.

Assemblyman McGinness requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I share the concerns of my colleague from Elko, and for those of us that can remember back to last night, we tried to get the amendment on to exclude agriculture. I think the only assurances we do have to help us are that agriculture was not a high priority in this bill. There is some language included in here that takes into account the proximity to population and water supplies, and I think that agriculture can take some assurances in that most of their applications would not be in close proximity to population. So, hopefully, those assurances will be carried out, and we can be back here in 1993 to take a look at this. My concern, too, like Mr. Carpenter, is that this is a very important piece of legislation. I'm sorry it had to come right at the last days of the legislature so we couldn't give it the attention it deserved.

SPEAKER DINI:

Mr. McGinness, were you not told that agriculture would probably be one of the last ones to come under it? Do you want to make that part of the record?

ASSEMBLYMAN MCGINNESS:

Yes, thank you, Mr. Speaker. I thought I did that. The assurances—those are some of the things that do help us a little bit. Agriculture is a very low priority and would be probably the last people on the list that they would take regulating authority over. I hope that is part of the record.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Senate Bill No. 641:

YEAS—32.

NAYS—Carpenter, Elliott, Johnson, Kerns, Lambert, McGinness, Marvel, Spriggs—8.

Absent—Bergevin.

Not voting—Gibbons.

Senate Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 824.

Bill read third time.

Remarks by Assemblymen Callister and Spriggs.

Roll call on Assembly Bill No. 824:

YEAS—31.

NAYS—Bayley, Elliott, Freeman, Hardy, Johnson, Little, Scherer, Spriggs, Wong—9.

Absent—Bergevin.

Not voting—Carpenter.

Assembly Bill No. 824 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 241.

Bill read third time.

Remarks by Assemblymen Price, Carpenter, Freeman and McGinness.

Roll call on Senate Bill No. 241:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 420:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblymen Humke, Bache, Scherer, Carpenter, Elliott, Freeman, Petrak and Pettyjohn.

Roll call on Senate Bill No. 503:

YEAS—40.

NAYS—Bache.

Absent—Bergevin.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Norton moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:52 p.m.

## ASSEMBLY IN SESSION

At 8:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 311 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1580.

Amend sec. 3, page 1, line 8, by deleting: "July 1, 1991." and inserting: "June 30, 1991.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 515.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 515:

YEAS—20.

NAYS—Bayley, Bennett, Carpenter, Giunchigliani, Goetting, Gregory, Heller, Humke, Johnson, Lambert, Little, McGaughey, Petrak, Pettyjohn, Porter, Spitler, Spriggs, Stout, Myrna Williams, Wendell Williams, Wong—21.

Absent—Bergevin.

Senate Bill No. 515 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 655.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 655:

YEAS—30.

NAYS—Anderson, Evans, Freeman, Gibbons, Haller, Humke, Johnson, Kerns, Lambert, Sader, Scherer—11.

Absent—Bergevin.

Senate Bill No. 655 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 825.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 825:

YEAS—40.

NAYS—Pettyjohn.

Absent—Bergevin.

Assembly Bill No. 825 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 826.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 826:

YEAS—27.

NAYS—Bayley, Freeman, Gibbons, Gregory, Haller, Hardy, Johnson, Kerns, Lambert, Little, Pettyjohn, Spriggs, Stout, Wong—14.

Absent—Bergevin.

Assembly Bill No. 826 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 294:

YEAS—33.

NAYS—Bayley, Heller, Kerns, Little, Scherer, Spitler, Stout, Wong—8.

Absent—Bergevin.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 338:

YEAS—36.

NAYS—Bayley, Little, Pettyjohn, Spriggs, Wong—5.

Absent—Bergevin.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Senate Bill No. 438:

YEAS—36.
NAYS—Kerns, McGaughey, Pettyjohn, Stout, Wong—5.
Absent—Bergevin.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 500.
Bill read third time.
Remarks by Assemblymen Carpenter and Price.
Roll call on Senate Bill No. 500:

YEAS—36.
NAYS—Callister, Giunchigliani, Porter, Myrna Williams, Wong—5.
Absent—Bergevin.

Senate Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 656.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 656:

YEAS—37.
NAYS—None.
Absent—Bergevin.
Not voting—Arberry, Callister, Hardy, Porter—4.

Senate Bill No. 656 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 546, 559, 824, 825, 826, 827; Senate Bills Nos. 241, 245, 294, 338, 413, 420, 438, 469, 500, 503, 532, 626, 641, 655 and 656 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Arberry moved that Senate Bill No. 361 be placed at the top of the General File.
Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:33 p.m.

## ASSEMBLY IN SESSION

At 8:42 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 815 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 328 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 815.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 372 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 646 declared an emergency measure under the Constitution and placed on third reading and final passage immediately following Senate Bill No. 328.

Remarks by Assemblyman Porter.

Motion carried unanimously.

### GENERAL FILE AND THIRD READING

Assembly Bill No. 815.

Bill read third time.

The following amendment was proposed by Assemblymen McGaughey, Humke, Elliott, Dini, Porter and Callister:

Amendment No. 1591.

Amend the bill as a whole by renumbering sections 6 through 8 as sections 8 through 10 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. On or before May 31, 1992, the state board of examiners shall project the unappropriated balance of the state general fund, including any amount designated as reserved for stabilizing the budget, and the state distributive school account in the state general fund, as of June 30, 1992,

using all relevant information known to it. The results of the projections of the state general fund and the state distributive school account must be combined to form a single projection.

Sec. 7. 1. Based on the projection required by section 6 of this act, the following amounts are hereby contingently appropriated from the respective funds to provide increases in salaries and any additional cost of retirement contributions for the respective groups of employees, for the fiscal year 1992-93:

(a) If the projected balance is at least $72,750,000 but less than $85,500,000:

(1) To effect a salary increase of approximately 1 percent:

(I) From the state general fund to the state board of examiners for:

Classified employees of the state ..... $2,161,248

Unclassified employees of the state ..... $292,889

Classified and professional employees of the University of Nevada System ..... $1,826,291

(II) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

Classified employees ..... $268,736

Unclassified employees ..... $22,795

(III) From the state general fund to the legislative fund for employees of the legislative counsel bureau and interim legislative operations ..... $73,040

(2) From the state general fund to the state distributive school account, including the adult diploma program, in the state general fund ..... $7,789,716

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(3) From the state general fund to the class-size reduction budget account ..... $500,118

This additional appropriation, if any, must be apportioned in the same proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.

(b) If the projected balance is at least $85,500,000 but less than $98,250,000:

(1) To effect a salary increase of approximately 2 percent:

(I) From the state general fund to the state board of examiners for:

Classified employees of the state ..... $4,322,496

Unclassified employees of the state ..... $585,778

Classified and professional employees of the University of Nevada System ..... $3,652,582

(II) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

Classified employees ..... $537,472
Unclassified employees ..... $45,590

(III) From the state general fund to the legislative fund for employees of the legislative counsel bureau and interim legislative operations ..... $146,080

(2) From the state general fund to the state distributive school account, including the adult diploma program, in the state general fund ..... $15,579,432

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(3) From the state general fund to the class-size reduction budget account ..... $1,000,236

This additional appropriation, if any, must be apportioned in the same proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.

(c) If the projected balance is at least $98,250,000 but less than $114,250,000:

(1) To effect increases in salaries of approximately 3 percent:

(I) From the state general fund to the state board of examiners for:

Classified employees of the state ..... $6,483,744
Unclassified employees of the state ..... $878,667

Classified and professional employees of the University of Nevada System ..... $5,478,873

(II) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

Classified employees ..... $806,208
Unclassified employees ..... $68,385

(III) From the state general fund to the legislative counsel bureau for employees of the legislative counsel bureau and interim legislative operations ..... $219,120

(2) From the state general fund to the state distributive school account, including the adult diploma program, in the state general fund ..... $23,369,148

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(3) From the state general fund to the class-size reduction budget account ..... $1,500,354

This additional appropriation, if any, must be apportioned in the same

proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.

(d) If the projected balance is at least $114,250,000 but less than $130,250,000:

(1) To effect increases in salaries of approximately 4 percent:

(I) From the state general fund to the state board of examiners for:

Classified employees of the state ..... $8,644,992

Unclassified employees of the state ..... $1,171,556

Classified and professional employees of the University of Nevada System ..... $7,305,164

(II) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

Classified employees ..... $1,074,944

Unclassified employees ..... $91,180

(III) From the state general fund to the legislative counsel bureau for employees of the legislative counsel bureau and interim legislative operations ..... $292,160

(2) From the state general fund to the state distributive school account, including the adult diploma program, in the state general fund ..... $31,158,864

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(3) From the state general fund to the class-size reduction budget account ..... $2,000,472

This additional appropriation, if any, must be apportioned in the same proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.

(e) If the projected balance is at least $130,250,000:

(1) To effect increases in salaries of approximately 5 percent:

(I) From the state general fund to the state board of examiners for:

Classified employees of the state ..... $10,806,240

Unclassified employees of the state ..... $1,464,445

Classified and professional employees of the University of Nevada System ..... $9,131,455

(II) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

Classified employees ..... $1,343,680

Unclassified employees ..... $113,975

(III) From the state general fund to the legislative counsel bureau for employees of the legislative counsel bureau and interim legislative operations..... $365,200

(2) From the state general fund to the state distributive school account, including the adult diploma program, in the state general fund..... $38,948,580

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(3) From the state general fund to the class-size reduction budget account..... $2,500,590

This additional appropriation, if any, must be apportioned in the same proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.

2. The state board of examiners shall allocate the appropriations made to it, if any, among the respective departments, commissions and agencies of the state, including the judicial branch of government, in such proportion as to enable each to pay to its classified, professional and unclassified employees, except any whose salaries have been retained, the percentage of increase, if any, in their respective salaries specified in this section.

3. If the total appropriations are not sufficient to provide the specified increase, the appropriations must be prorated and the increases in salaries reduced proportionately.

4. Any balance of the contingent appropriations made by this section must not be committed for expenditure after June 30, 1993, and reverts to the fund from which it was appropriated as soon as all payments of money committed have been made, except that any balance of the money appropriated to the legislative fund must be carried forward for use in the next legislative session and does not revert to the state general fund.".

Amend sec. 6, page 3, line 19, before "Employees" by inserting "1.".

Amend sec. 6, page 3, between lines 47 and 48 by inserting:

"2. The employees filling the positions listed in subsection 1, except those whose salaries have been retained, may receive an adjustment of salary effective July 1, 1992, if the projected unappropriated balance in the state general fund, including any amount designated as reserved for stabilizing the budget, and the state distributive school account in the state general fund projected by the state board of examiners results in:

(a) A projected balance of at least $72,750,000 but less than $85,500,000, 1 percent.

(b) A projected balance of at least $85,500,000 but less than $98,250,000, 2 percent.

(c) A projected balance of at least $98,250,000 but less than $114,250,000, 3 percent.

(d) A projected balance of at least $114,250,000, but less than $130,250,000, 4 percent.

(e) A projected balance of at least $130,250,000, 5 percent.

Amend sec. 7, page 3, line 48, before "The" by inserting "1.".

Amend sec. 7, page 4, between lines 5 and 6 by inserting:

"2. The state board of examiners shall allocate from the amounts appropriated by section 6 of this act to the Tahoe Regional Planning Agency, the amount necessary to provide for Nevada's share of a salary increase of the same percentage granted to classified employees of the State of Nevada or the percentage of salary increase, if any, authorized by the State of California, whichever is less, for the fiscal year 1992-93.".

Amend the bill as a whole by renumbering sec. 9 as sec. 12 and adding a new section designated sec. 11, following sec. 8, to read as follows:

"Sec. 11. 1. On or before April 1, 1992, the chief of the budget division of the department of administration shall determine for July of 1991 through March of 1992, the actual proceeds of:

(a) License fees based upon the gross revenue of gaming licensees imposed by NRS 463.370;

(b) Sales and use taxes imposed by NRS 372.105 and 372.185; and

(c) The Local School Support Tax imposed by NRS 374.110 and 374.190,

and report the amount so determined to the state board of examiners.

2. If the state board of examiners finds that the amount reported pursuant to subsection 1 exceeds the combined projection of revenue from those fees and taxes during that period by $8,500,000 or more, the state board of examiners shall provide a one-time payment to the employees of the county school districts and the respective departments, commissions and agencies of the State of Nevada, including the judicial branch of government and the University of Nevada System to compensate those employees for deferral of salary increases in fiscal year 1991-1992. The one-time payment must be paid to each person who is employed by an employer specified in this subsection on April 1, 1992, in an amount equal to approximately 1 percent of his gross base salary in effect on July 1, 1991, excluding all overtime and any other payments in excess of his base salary. The one-time payment must be included as compensation for the computation of retirement benefits.

3. The following amounts are hereby contingently appropriated from the respective funds to provide the one-time payment pursuant to subsection 2:

(a) From the state general fund to the state board of examiners for:

| | |
|---|---|
| Classified employees of the state | $2,007,161 |
| Unclassified employees of the state | $273,575 |
| Classified and professional employees of the University of Nevada System | $1,665,660 |

(b) From the state highway fund to the state board of examiners for positions in the department of motor vehicles and public safety, public service commission of Nevada and attorney general's office which are supported from that fund:

| | |
|---|---|
| Classified employees | $247,060 |
| Unclassified employees | $21,918 |

(c) From the state general fund to the legislative fund for employees of the legislative counsel bureau and interim legislative operations $68,497

(d) From the state general fund to the state distributive school account in the state general fund, for positions paid from that account, including positions in the adult diploma program..... $7,032,497

This additional appropriation, if any, must be apportioned in the same proportions per pupil as established by the department of education for the various county school districts for fiscal year 1992-93.

(e) From the state general fund to the class-size reduction budget account, for positions paid from that account..... $293,753

This additional appropriation, if any, must be apportioned in the same proportions as money from the trust fund for class-size reduction is apportioned by the department of education for the various county school districts for fiscal year 1992-93.''.

Amend the title of the bill, second line, after ''for'' by inserting: ''a one-time payment and''.

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblymen McGaughey, Callister and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 1595.

Amend the bill as a whole by deleting sec. 28 and renumbering sections 29 and 30 as sections 28 and 29.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Norton.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 361.

Bill read third time.

Remarks by Assemblymen Freeman and Stout.

Roll call on Senate Bill No. 361:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Senate Bill No. 646 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Callister.

Motion carried.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Legislative Functions and Elections, to which was referred Senate Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 552.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 7.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 2.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

## SECOND READING AND AMENDMENT

Senate Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1550.

Amend section 1, page 1, line 2, by deleting "354.5988 to" and inserting: "354.5988:

(a) To".

Amend section 1, page 1, between lines 4 and 5, by inserting:

"(b) To the City of Wells the sum of $300,000 for the construction of a medical facility that will meet existing health and safety standards.".

Amend sec. 2, page 1, line 5, by deleting "appropriation made" and inserting "sums appropriated".

Amend sec. 3, page 1, line 11, after "by" by inserting: "paragraphs (a) and (b) of".

Amend sec. 3, page 1, line 12, by deleting the period and inserting: "and the city treasurer of the City of Wells, respectively.".

Amend the title of the bill, by deleting the first line and inserting:

"An Act making appropriations to Nye County and the City of Wells from the emergency fund of the supplemental".

Amend the summary of the bill, by deleting the first line and inserting:

"Summary—Makes appropriations to Nye County and Wells from emergency fund of the supplemental".

Amend the preamble of the bill, page 1, by deleting the fifth through eighth lines and inserting:

"WHEREAS, Although many rural areas are currently without doctors, the residents of the City of Wells now have a doctor, but the existing medical facility does not meet health and safety standards and therefore cannot be used; and

WHEREAS, It would cost less to build a new medical facility than to repair the existing structure; and

WHEREAS, The City of Wells does not have the financial resources to construct a new medical facility; and

WHEREAS, These conditions were unforeseen and uncontrollable, and substantially impair the financial capacity of Nye County and the City of Wells to provide the basic services for which they were created;

WHEREAS, NRS 354.5988 authorizes special distributions to be made from the emergency fund for the supplemental city-county relief tax if unforeseen or uncontrollable conditions, existing or imminent, substantially impair the financial capacity of a local government to provide the basic services for which it was created; now, therefore,".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 9:08 p.m.

## ASSEMBLY IN SESSION

At 10:23 p.m.

Mr. Speaker presiding.

Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Assembly Bill No. 807 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Callister.

Motion carried.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 73.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 73.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

Assemblyman Porter moved that Assembly Bill No. 815 be placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 328 be placed on the General File immediately following Assembly Bill No. 815.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 311 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Stout moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Stout.

Motion lost on a division of the house.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 361; Senate Concurrent Resolutions Nos. 2, 72 and 73 be immediately transmitted to the Senate.

Motion carried unanimously.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 779.

The following Senate amendments were read:

Amendment No. 1214.

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

"Sec. 10. Section 2 of Assembly Bill No. 429 of this session is hereby amended to read as follows:

Sec. 2. NRS 176.185 is hereby amended to read as follows:

176.185 1. Whenever any person has been found guilty in a district court of a crime upon verdict or plea, the court, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or where the defendant is found to be a habitual criminal pursuant to NRS 207.010, may by its order suspend the execution of the sentence imposed and grant probation to the convicted person as the judge thereof deems advisable. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a *psychologist or* psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards

adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

2. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to section 2 of [this act.] *Assembly Bill No. 779 of this session.*

3. The district judge shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the judge receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 30 days following a request for a probation investigation from the county clerk, but if no report is submitted by the chief parole and probation officer within 30 days the district judge may grant probation without the written report.".

Amendment No. 1411.

Amend sec. 8, page 3, line 32, by deleting "inclusive [:]," and inserting: "inclusive, [and] section 5 of [this act:] *Senate Bill No. 456 of this session*".

Amend sec. 11, page 5, by deleting line 9 and inserting:

"Sec. 11. 1. This section and sections 1 to 7, inclusive, 9, 10 and 11 of this act become effective on July 1, 1991.

2. Section 8 of this act becomes effective at 12:01 a.m. on July 1, 1991.".

Assemblyman Callister moved that the Assembly concur in the Senate amendments to Assembly Bill No. 779.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 664.

The following Senate amendments were read:

Amendment No. 1350.

Amend section 1, page 1, line 14, by deleting "*plan*" and inserting: "*proposal for a project*".

Amend section 1, page 1, by deleting line 19 and inserting: "*opportunities for employment within the area.*".

Amend section 1, page 1, line 20, by deleting: "*employers relocating their*" and inserting: "*an employer relocating his*".

Amend section 1, page 1, by deleting line 21 and inserting: "*ness into the area plans to employ persons living within the*".

Amend section 1, page 2, by deleting lines 3 through 6.

Amend the title of the bill, first line, by deleting "redevelopment plans" and inserting: "a proposal for a project of redevelopment".

Amend the summary of the bill, first line, by deleting "redevelopment plans" and inserting: "proposal for project of redevelopment".

Amendment No. 1466.

Amend section 1, page 2, after line 2, by inserting: "*(5) Women.*".

Amend the title of the bill, second line, by deleting: "plan and a recruitment agreement;" and inserting "plan;".

Amend the summary of the bill to read as follows:

"Summary—Requires proposal for project of redevelopment to include employment plan. (BDR 22-48)

Assemblyman Krenzer moved that the Assembly concur in the Senate amendments to Assembly Bill No. 664.

Remarks by Assemblyman Krenzer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 786.

The following Senate amendment was read:

Amendment No. 1293.

Amend section 1, page 1, line 5, by deleting: "shall, whenever possible," and inserting: "may, within the amount appropriated,".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 786.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Evans moved that the Assembly do not recede from its action on Senate Bill No. 611, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Evans.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Evans, Price and Stout as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 611.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 154, 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 829—An Act making an appropriation to Lyon County to reimburse the school district for the cost of a school bus purchased in 1990-1991; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 815.

Bill read third time.

Remarks by Assemblymen Callister, Bayley, Giunchigliani and Humke.

Assemblyman Hardy requested that Assemblyman Bayley's remarks be entered in the Journal.

Thank you, Mr. Speaker. I ask your indulgence. I haven't made a speech all year and if you give it to me, this is it. I'll take two subjects together and I'll save you a speech later on. They are related.

I am for class-size reduction. I believe we need it for our kids. Currently 61 percent of our children supposedly are in a reduced class-size. This isn't so. Sixty-one percent of our classes are reduced. That means less than half our kids are currently in a class-size reduced class. Half our kids are in team teaching programs. How many of those kids are going to be when we add the first grade and second grade, the grades we are considering, in true class-size reduced classes, not very many. The $80 million for the class-size reduction is really for team teaching. Team teaching is a bad use for our tax dollars. I'll tie this together.

I don't want you to misconstrue my statement. I appreciate, admire and respect our teachers. I really do. I am very close with the ones where my kids go to school. I have a son with learning disabilities. We are really involved with our school. Their opinions are often the opposite of what I hear up here. My policy on education, may be to quote Warren Hardy, is "anything for the kids."

We all have different opinions of what is good for the kids. My opinions: alternatives and teacher certification, merit reward system, choice in education, a means to remove the very small minority of teachers who are ineffective and entrenched in the system. The kids got none of these. I realize we believe different things about what kids need but they got none of these. This year there was a plan, it was called the Grixom plan. It was developed by one of the schools in Clark County. This was a wonderful plan. It accomplished true class-size reduction, it brought kids in early in the morning, some later in the afternoon. The kids in this school were two ahead in their curriculum in the middle of the year. It costs approximately from one-fourth to one-sixth the cost of the proposed team teaching bill. It utilized our existing resources of available classrooms and teachers. The kids loved it. They were doing great. The teachers in the program raved about it. The parents who had their kids in the school were so pleased and enthusiastic about the school they refused to register their children in the new school that was built for them. They were so excited about the program. What was the reward for the marvelous innovation and concrete results? It was a lawsuit to close the program, propaganda in the form of a letter twisting facts, denouncing the program, and once again ignoring the needs of our kids and the proper use of a tax dollar.

All state employee raise considerations must be balanced with responsible economics and the pockets of the little guys who pay the bills. Those pockets are thin right now. All over the country governments are freezing, reducing, laying off and cutting back. Our teachers are underpaid. The cost of living in Nevada and the fact that we are only one of

two states in the country that pays their full retirement puts them up to approximately tenth in the nation. Some say this doesn't count and that's not relevant. I am sorry, I do not agree. I believe in the real world it's perfectly relevant.

Team teaching and salary raises represent a great big piece of the $3 million budget deficit. My opposition to these salary raises is consistent with my vote against taxes and the budget. This is not an easy road to take. I have been warned by those who care about me that opposing these bills and the powerful political forces behind them is to incur their wrath and my own political death. What is easy is to follow the course of least resistance. That course always lies with the most powerful lobbying group. I don't know from personal experience but that is what I have observed.

To finish up, I am a people person. I am a lay counselor. I work with alcoholics, I work with kids, I work with the Great Food Bank. I have given a ton of my time to a youth camp and I have never made a dime. My name just isn't on these organizations. I give tons of volunteer hours. I am considering an offer right now to work for a youth camp raising funds for poverty wages. I may take it. I do not accept that you stand up for fiscal responsibility if you stand against people. I am very close to people who struggle on the bottom.

I do not want to group all our welfare programs together. Some are very worthy. I want you to know that welfare is a trap sometimes. It's got arms that come up and grip people and hold them down so they can't get back up. Taxes can be the worst enemy of the family unit. The raises of state salaries are going to people who make more than the people who we will be taking the tax from. So with all respect to different opinions, and we all have them, and with great respect to the teachers whom I do respect, I have to vote against this bill, and thank you for the time to explain why. Thank you.

Assemblyman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I simply want to note for the record that while I am a public employee in the State of Nevada, the public employees negotiate their salaries so there is no conflict of interest and those of us who are public employees will be voting for this.

Conflict of interest declared by Assemblyman Humke.

Roll call on Assembly Bill No. 815:

YEAS—30.

NAYS—Bayley, Gibbons, Hardy, Kerns, Lambert, Little, Pettyjohn, Spriggs, Stout—9.

Absent—Bergevin.

Not voting—Evans, Humke—2.

Assembly Bill No. 815 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 815 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that for the balance of the session the reading of the histories on bills and resolutions on General File be dispensed with.

Motion carried.

## GENERAL FILE AND THIRD READING

Senate Bill No. 328.

Bill read third time.

The following amendment was proposed by Assemblyman Stout:

Amendment No. 1579.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 2.3 as sec. 2.

Amend sec. 28, page 5, line 40, by deleting "*3*" and inserting "*2*".

Amend sec. 28, page 5, line 44, by deleting "*3*" and inserting "*2*".

Amend the title of the bill, first and second lines, by deleting: "prohibiting the sale or killing of cats or dogs for human consumption;".

Amend the summary of the bill to read as follows:

"Summary—Imposes certain restrictions and requirements upon care and sale of certain cats and dogs. (BDR 50-30)".

Assemblyman Stout moved the adoption of the amendment.

Remarks by Assemblymen Stout, Krenzer, Wong, McGaughey and Bache.

Assemblyman Humke moved that Senate Bill No. 328 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Humke.

Motion carried.

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

Assembly in recess at 10:57 p.m.

## ASSEMBLY IN SESSION

At 11:22 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 225, 650, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 566.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 701.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 640.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 324.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 395.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 311 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 154, 156, 225, 466 and 650 declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 311 be taken from its position on the General File and placed on the General File immediately following Senate Bill No. 650.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 372 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 372 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 577, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

| | |
|---|---|
| VIVIAN L. FREEMAN | BOB COFFIN |
| JOHN W. BAYLEY | DIANA M. GLOMB |
| WILLIAM A. PETRAK | RAYMOND D. RAWSON |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 29.

Amend sec. 4, page 2, by deleting lines 24 through 29.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *A major hospital shall not collect or seek to collect the deductible or copayment from a patient who is covered by Medicare and who*

*demonstrates that he is medically indigent, as that term is defined for the purposes of Medicaid coverage for persons in long-term care. The hospital may seek and collect payment for the deductible or copayment from any source other than the patient, including from the supplemental insurance of the patient.*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5 NRS 439B.200 is hereby amended to read as follows:

439B.200 1. There is hereby established a legislative committee on health care consisting of three members of the senate and three members of the assembly, appointed by the legislative commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.

2. No member of the committee may:

(a) Have a financial interest in a health facility in this state;

(b) Be a member of a board of directors or trustees of a health facility in this state;

(c) Hold a position with a health facility in this state in which the legislator exercises control over any policies established for the health facility; or

(d) Receive a salary or other compensation from a health facility in this state.

This subsection does not prohibit a member of the committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

3. The legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. *The chairmanship of the committee must alternate each biennium between the houses of the legislature.*

4. Any member of the committee who does not return to the legislature continues to serve until the next session of the legislature convenes.

5. Vacancies on the committee must be filled in the same manner as original appointments.

6. The committee shall report annually to the legislative commission concerning its activities and any recommendations.".

Amend the bill as a whole by deleting sections 10 through 17 and adding new sections designated sections 10 through 17, following sec. 9, to read as follows:

"Sec. 10. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 17, inclusive, of this act.

Sec. 11. *As used in sections 11 to 17, inclusive, of this act, unless the context otherwise requires:*

*1. "Billed charge" means the total amount charged by a hospital for medical care provided, regardless of the anticipated amount of net revenue to be received or the anticipated source of payment.*

2. "Hospital" has the meaning ascribed to it in NRS 439B.110.

3. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

4. "Operating cost" means the expenses of operation of a hospital which the department determines to be an allowable operating expense including:

(a) All operating expenses allowed by the Health Care Financing Administration for hospitals which receive payments pursuant to a state or federal program to provide assistance to the medically indigent;

(b) Expenses for capital improvements; and

(c) Other operating expenses which the department determines to be directly related to the provision of care to patients.

Sec. 12. *1. The department is authorized to include in the state plan for assistance to the medically indigent a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients. The plan must be consistent with the provisions of sections 11 to 17, inclusive, of this act and Title XIX of the Social Security Act (42 U.S.C. §§ 1396 et seq.), and the regulations adopted pursuant to those provisions.*

*2. Except as otherwise provided in this subsection, a program for increasing reimbursement to teaching hospitals that is directly related to reducing the ratio of students to teachers in health technician programs in the community college system must not be adopted as part of the state plan for assistance to the medically indigent unless first approved by the legislature by concurrent resolution, if the legislature is in regular or special session, or by the interim finance committee. Such a program may be adopted without the approval of the legislature or the interim finance committee if the revenue used to match the amount contributed by the Federal Government is provided from a source other than the Medicaid budget account or the hospital tax account, but must be discontinued if the source of revenue is discontinued.*

Sec. 13. *1. There is hereby imposed a tax on hospitals at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax imposed pursuant to subsection 1, upon approval by the board of the necessary changes to the state plan for assistance to the medically indigent. The rate of the tax must be:*

*(a) Not less than 1 percent nor more than 7 percent on the operating costs of a hospital;*

*(b) Not less than 1 percent nor more than 4 percent on the billed charges of a hospital;*

*(c) Not more than 100 percent of the state share of the amount of Medicaid payments made to a hospital for services provided to inpatients; or*

*(d) Any combination of the rates authorized by paragraphs (a), (b) and (c), except that the total amount of the tax must not exceed the amount that would be generated by a tax at the maximum rate allowed by paragraph (a) or (b), whichever is greater.*

*3. The tax must be imposed uniformly on all hospitals and must, except in the case of a tax imposed pursuant to paragraph (c) of subsection 2, be paid monthly. The tax is due within 10 days, excluding Saturdays, Sundays and legal holidays, after notice of the amount of the tax is received by the hospital. A tax imposed pursuant to paragraph (c) of subsection 2 may be paid at the time a Medicaid payment is made to the hospital.*

*4. The proceeds of the tax imposed pursuant to subsection 1 and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the hospital tax account in the state general fund. The department of human resources shall administer the account.*

*5. The interest and income earned on money in the hospital tax account, after deducting any applicable charges, must be credited to the account.*

Sec. 14. *1. The allocations and payments required pursuant to section 15 of this act must be made, to the extent allowed by the state plan for assistance to the medically indigent, from the Medicaid budget account.*

*2. The money in the hospital tax account must be transferred from that account to the Medicaid budget account to the extent that money is available from the Federal Government for proposed expenditures, including expenditures for administrative costs. If the amount generated by the tax imposed pursuant to section 4 of this act, including the amount contributed by the Federal Government to match that money, exceeds the amount authorized for expenditure by the department for the purposes specified in section 15 of this act, the department is authorized to expend the additional revenue in accordance with the provisions of section 15 of this act.*

Sec. 15. *1. Before making the payments required or authorized by this section, the department shall allocate money for the administrative costs of the Medicaid program. The amount allocated for administrative costs must not exceed $300,000 in a fiscal year. The interim finance committee may adjust the amount allowed for administrative costs.*

*2. After deducting the amount allocated pursuant to subsection 1, the department shall make payments to each hospital within 30 days after each payment of the tax imposed pursuant to section 4 of this act. Except as otherwise provided in this subsection, the amount paid to a hospital must at least equal the amount of the tax imposed pursuant to section 13 of this act that was paid by the hospital in the preceding month plus $100,000 in each fiscal year. If the tax authorized pursuant to paragraph (c) of subsection 2 of section 13 of this act is the only tax imposed pursuant to that subsection, the amount paid to a hospital must at least equal the amount of the tax that was paid by the hospital in the preceding 30 days. If the amount paid to a hospital pursuant to subsection 3 is less than the amount required by this subsection, the difference must be paid from the hospital tax account.*

*3. A hospital may be paid the amount to which it is entitled pursuant to subsection 2, and any amount to which the hospital is entitled in excess of that amount, from the Medicaid budget account:*

*(a) If the hospital qualifies pursuant to criteria specified in the state plan for assistance to the medically indigent for compensation or an increased rate of payment for treating a disproportionate share of Medicaid patients, indigent patients or other low-income patients;*

*(b) Through an increased rate of Medicaid payments to hospitals for services provided to inpatients; or*

*(c) Through a combination of the payments authorized by paragraphs (a) and (b).*

*4. In addition to the allocation required by subsection 1 and the payments required by subsections 2 and 3, the department shall use the amount of money that is authorized for expenditure pursuant to subsection 5 to make the required expenditures for:*

*(a) The provision of new services that are first required by the Federal Government on or after April 1, 1990;*

*(b) The provision of services to persons in categories of eligibility that are first required by the Federal Government to receive coverage for such services on or after April 1, 1990; and*

*(c) Increases in the number of persons who are recipients of Medicaid over the number approved by the legislature for the Medicaid budget account.*

*5. Except as otherwise provided in this subsection, the department shall, after making the allocation required by subsection 1, use approximately one-half of the money in the Medicaid budget account that is attributable to the tax imposed pursuant to section 13 of this act, including the amount contributed by the Federal Government to match that money but excluding the amount that represents the amount of the tax itself, for the purposes specified in subsection 3 and one-half for the purposes specified in subsection 4. The proportion of the amount in the Medicaid budget account used for the purposes specified in subsection 3 may be decreased by the department if such a decrease is required for approval of the state plan for assistance to the medically indigent by the Health Care Financing Administration.*

*6. A county or district hospital that borrows money to pay the tax imposed pursuant to section 13 of this act may pledge the amount of money to be paid to the hospital pursuant to this section for payment of the loan.*

Sec. 16. *1. In addition to any other tax imposed on providers of medical care, there is hereby imposed a tax on the state share of Medicaid payments made to providers of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care, at a rate established pursuant to subsection 2.*

*2. The department shall establish the rate of the tax, upon approval by the board of the necessary changes to the state plan for assistance to the medically indigent. The rate of the tax must be not more than 100 percent of the state share of the amount of Medicaid payments made to a provider of medical care, except for payments to a hospital for services provided to inpatients and payments for long-term care. The tax may be imposed at the*

*time a payment is made to a provider. The proceeds of the tax and any interest and penalties imposed on delinquent payments of the tax must be deposited in the state treasury for credit to the Medicaid budget account.*

*3. The money in the Medicaid budget account attributable to the tax and any amount contributed by the Federal Government to match that money:*

*(a) Must be used:*

*(1) For the administrative costs of the Medicaid program that are related to the tax; and*

*(2) To repay the amount of the tax to the providers who pay the tax through an increased rate of reimbursement for services provided to Medicaid patients.*

*The amount of money remaining after the payments required by subparagraphs (1) and (2) must be used to increase the reimbursement paid to the providers of medical care who paid the tax for services provided to Medicaid patients, in proportion to the amount of tax paid by such providers, or for other expenses of the Medicaid program.*

*(b) Is in addition to the amount appropriated or authorized for expenditure by the legislature for that budget account.*

Sec. 17. *1. The department, through the welfare division, shall adopt regulations concerning:*

*(a) Procedures for the collection of the taxes imposed pursuant to sections 13 and 16 of this act.*

*(b) Provisions for the payment of a penalty and interest for delinquent payments of the taxes.*

*(c) Provisions for the payment of interest by the department for late reimbursements to hospitals or other providers of medical care.*

*2. The department shall report to the interim finance committee quarterly concerning the provisions of sections 9 to 17, inclusive, of this act.*".

Amend the bill as a whole by deleting sections 18 and 19 and inserting:

"Secs. 18 and 19. (Deleted by amendment.)".

Amend sec. 21, page 8, line 13, by deleting "439B.400." and inserting: "439B.400, except that the term includes the uniform list of billed charges for units of service or goods provided on an outpatient basis.".

Amend sec. 21, page 9, by deleting line 23 and inserting: "section 13 of this act and the tax imposed pursuant to section 16 of this".

Amend sec. 21, page 10, by deleting line 6 and inserting: "master for the hospital at least 60 days before becoming a major hospital. The".

Amend sec. 21, page 10, line 40, after "violations" by inserting: "or committed an egregious violation".

Amend sec. 25, pages 12 and 13, by deleting lines 17 through 47 on page 12 and lines 1 through 16 on page 13 and inserting:

"Sec. 25. 1. The department of human resources, through the welfare division, shall develop and propose an amendment to the state plan for assistance to the medically indigent in accordance with section 12 of this act and submit the proposed amendment to the Health Care Financing Administration on or before September 30, 1991. The amendment must propose to:

(a) Establish a methodology allowing for maximum compensation or for an increased rate of payment to a hospital for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients;

(b) Increase the rate of reimbursement to hospitals for treating Medicaid patients; or

(c) Make some combination of the changes authorized pursuant to paragraphs (a) and (b).

The department of human resources shall implement the proposed amendment on September 30, 1991.

2. The provisions of sections 13, 14 and 15 of this act must be applied retroactively to July 1, 1991, except that:

(a) The tax authorized pursuant to section 13 of this act must be collected over the first 3 months that the tax is in effect. The tax for the month of July must be collected with the tax for the month of October. The tax for the month of August must be collected with the tax for the month of November. The tax for the month of September must be collected with the tax for the month of December.

(b) The payments made pursuant to section 15 of this act with respect to the collection of the retroactively imposed tax must be correspondingly allocated over the first 3 months that the tax is in effect.

3. Except as otherwise provided in subsections 4 and 5, if the proposed amendment is not approved, the hospitals to which payments are made pursuant to section 15 of this act shall repay to the department:

(a) The amount paid to the hospital pursuant to the change in the state plan proposed pursuant to subsection 1 for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients;

(b) The amount paid to the hospital as a result of the increased rate of reimbursement paid to hospitals pursuant to the change in the state plan proposed pursuant to subsection 1 for treating Medicaid patients; and

(c) The amount by which the amount guaranteed to be paid to the hospital pursuant to subsection 2 of section 15 of this act exceeds the amount of tax paid by the hospital,

between September 30, 1991, and the date that the proposed amendment is rejected. Payment is due within 30 calendar days after notice of the amount of the required repayment is received by the hospital. Delinquent payments must be accompanied by a penalty of 10 percent of the amount of the payment and interest at the rate of 1.5 percent per month, or fraction thereof, from the date the payment is due until the date the payment is made.

4. The repayment, if any, required pursuant to subsection 3 does not include:

(a) The amount expended by the department for administrative costs.

(b) Any reimbursement paid to hospitals for treating inpatients pursuant to the state plan for assistance to the medically indigent in effect on June 30, 1991, including increases after that date that would have been made pursuant to the plan in effect on that date.

(c) Any payment for treating a disproportionate share of Medicaid patients, indigent patients and other low-income patients pursuant to the state plan for assistance to the medically indigent in effect on June 30, 1991.

5. If a portion of the proposed amendment is approved and a portion is not approved, the repayment required by subsection 3 is limited to the amount paid to the hospital pursuant to the portion of the proposal that was disapproved.

6. There is hereby appropriated from the state general fund to the department of human resources the sum of $150,000 for the administrative costs of proposing the amendment to the state plan for assistance to the medically indigent pursuant to subsection 1 and carrying out the amendment in the fiscal year 1991-92. The department is authorized to expend in the fiscal year 1991-92 not more than $150,000 contributed by the Federal Government to match the amount of the appropriation made by this subsection. If the proposed amendment to the state plan is disapproved, the balance of the appropriation made by this subsection must not be committed for expenditure and reverts to the state general fund as soon as all payments of money committed have been made. The amount appropriated pursuant to this subsection must be repaid to the state general fund from the hospital tax account in the manner provided in subsection 1 of section 15 of this act.

7. Notwithstanding any other provision of law to the contrary, the department of human resources may request additional funding from the legislature to replace money included in the budget approved by the legislature in reliance upon the revenue to be generated pursuant to this act that is lost as a result of any change in federal law, regulation or policy that affects the amount of money generated for the state pursuant to the provisions of this act, including the loss of any money included in the budget that was intended to be contributed by the Federal Government to match that amount.".

Amend the bill as a whole by deleting sections 26 and 27, renumbering sec. 28 as sec. 27, and adding a new section designated sec. 26, following sec. 25, to read as follows:

"Sec. 26. The chairman of the legislative committee on health care for the term of office commencing on July 1, 1991, must be a member of the assembly.".

Amend sec. 28, pages 13 and 14, by deleting lines 34 through 47 on page 13 and lines 1 through 6 on page 14 and inserting:

"Sec. 27. 1. This section and sections 1 to 4, inclusive, 5 to 12, inclusive, and 16 to 26, inclusive of this act become effective on July 1, 1991.

2. Sections 13, 14 and 15 of this act become effective on September 30, 1991.

3. Section 4.5 of this act becomes effective upon confirmation by the Federal Government that the deductibles and copayments which a hospital is prohibited from collecting from a patient pursuant to that section are deemed uncollectible for the purposes of federal law.

4. Sections 13, 14 and 15 of this act expire by limitation if federal law, regulation or policy causes the department of human resources to be unable to make the payments specified in section 6 of this act from the revenue available for that purpose.

5. Section 16 of this act expires by limitation if federal law, regulation or policy causes the department of human resources to be unable to make the payments specified in that section from the revenue available for that purpose.".

Amend the title of the bill to read as follows:

"An Act relating to health care; limiting increases in charges for certain care; establishing and financing various programs to assist in containing the costs of health care; imposing a tax on hospitals at a rate determined by the department of human resources; requiring the department to propose a certain amendment to the state plan for assistance to the medically indigent; imposing a tax on other providers of medical care at a rate determined by the department; requiring that the chairmanship of the legislative committee on health care alternate biennially between the houses of the legislature; making appropriations; authorizing expenditures; and providing other matters properly relating thereto.".

Assemblyman Freeman moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 577.

Remarks by Assemblymen Freeman, Giunchigliani, Wong, Arberry and Stout.

Assemblyman Freeman requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. This is a rather complex long amendment that is an agreement between all of the interested parties. This is the Governor's bill on hospital cost containment and also A.B. No. 807, which is the Kentucky Plan, that is incorporated into this bill. I would be glad to read you a summary of it if you would like me to.

(1) This amendment amends A.B. No. 577 to incorporate the updated revisions of A.B. No. 807, the Kentucky Plan. This will allow the Nevada Medicaid Program to utilize hospital bed use taxes as matching funds for increased medicaid payments to hospitals and to generate additional federal aid to pay for federal Medicaid mandates on increased eligibility. These provisions will enable the Medicaid budget to meet its obligations for nursing home payments without additional county financial participation.

(2) The amendment requires legislative approval before any of these funds could be used to finance community college class-size reduction but does allow such reduction without legislative approval only if other matching funds are found.

(3) The amendment clarifies provisions to the hospital cost containment to accomplish the following: (a) Requires federal approval of the discount given to low income seniors to insure compliance with Medicare bad-debt regulations; (b) It clarifies that the hospital billed charge master applies to both inpatient and outpatient charges as the vehicle to monitor compliance with the billed charge freeze and inflation adjustment; (c) Clarifies that penalties for violating the price freeze and inflation limits can be applied for a single major violation, rather than the pattern of violations previously contained in A.B. No. 577.

(4) The amendment allows taxes to be imposed on other medical providers in order to bring additional federal money into the Medicaid budget so long as the providers are repaid those taxes from the federal funds.

(5) Finally, the amendment appropriates $150,000 in state general funds to administer the Kentucky Plan with the funds to be repaid out of the hospital tax account. That's the end.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 652, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 38, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | WILLIAM J. RAGGIO |
| DAVID E. HUMKE | THOMAS J. HICKEY |
| GENE T. PORTER | DIANA M. GLOMB |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 38.

Amend sec. 16, page 4, by deleting lines 28 through 30 and inserting:

"293.304 If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303, the election board shall issue a statement to the".

Amend sec. 16, page 4, line 31, by deleting "*person*" and inserting "person".

Amend sec. 16, page 5, line 3, by deleting "[When] *If*" and inserting "If".

Amend sec. 25, page 8, by deleting line 34 and inserting: "as my legal residence. I further swear (or affirm) that I am not now laboring under any felony conviction or other loss of civil rights which would make it unlawful for me to vote." ".

Amend sec. 26, page 9, line 26, after "request" by inserting: "or a form prescribed by the secretary of state".

Amend sec. 27, page 9, by deleting lines 33 through 47 and inserting:

"3. Upon the production of a certified copy of the judgment of conviction of a felony of the person registered.

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change his affiliation, if that change is made before the end of the last day for filing declarations of candidacy for a primary election.

6. Upon the request of any registered voter who has changed his name, if that voter satisfies the registrar that the change has been legally effected.

7. At the request of the person registered.

8. If any registered voter fails to vote in any [general] *presidential* election.

9. [If] *Except as otherwise provided in section 3 of this act, if* he has discovered an incorrect registration pursuant to NRS 293.530 or section 2 of [this act.] *Senate Bill No. 335 of this session.*".

Amend the bill as a whole by deleting sections 30 and 31 and inserting:

"Secs. 30 and 31. (Deleted by amendment.)".

Amend sec. 39, page 12, by deleting lines 42 through 44 and inserting:

"Sec. 39. 1. This section, section 1, sections 4 to 15, inclusive, 17 to 24, inclusive, and 28 to 38, inclusive, of this act become effective on October 1, 1991.

2. Sections 16, 25, 26 and 27 of this act become effective at 12:01 a.m. on October 1, 1991.

3. Sections 2 and 3 of this act become effective on January 1, 1992.".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 652.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 372.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 372:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 154:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 156.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 156:

YEAS—41.

NAYS—None.

Absent—Bergevin.

Senate Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Remarks by Assemblyman McGinness.

Roll call on Senate Bill No. 225:

YEAS—28.

NAYS—Arberry, Bache, Freeman, Gibbons, Giunchigliani, Goetting, Heller, Lambert, Porter, Scherer, Spitler, Stout, Myrna Williams—13.

Absent—Bergevin.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

Remarks by Assemblymen Callister, Spriggs, Giunchigliani and Norton.

Roll call on Senate Bill No. 466:

YEAS—29.

NAYS—Anderson, Evans, Freeman, Gibbons, Haller, Heller, Johnson, Kerns, Lambert, Little, Petrak, Spriggs—12.

Absent—Bergevin.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 650.

Bill read third time.

The following amendment was proposed by Assemblymen Gibbons, Humke, Kerns, Lambert and Elliott:

Amendment No. 1511.

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

"Section 1. The following state officers and employees in the unclassified service of the State of Nevada are entitled to receive annual salaries of not more than the approximate maximum amounts set forth following their specified titles or positions:

| Title or Position | Approximate Annual Salary |
|---|---|
| 1. Office of the governor: | |
| Executive assistant | $60,715 |
| Executive assistant | 57,002 |
| Executive assistant | 51,214 |
| Employee relations officer | 45,974 |
| Regulatory analyst | 54,810 |
| Executive assistant | 42,478 |
| Executive assistant | 40,076 |
| Executive assistant | 38,535 |
| Administrative assistant | 37,237 |
| Secretary to governor | 31,777 |
| Administrative secretary (each) | 24,897 |
| 2. Office of the lieutenant governor: | |
| Assistant to the lieutenant governor (each) | $31,886 |

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|---|---|
| Administrative secretary | 24,898 |
| 3. Office of the secretary of state: | |
| Chief deputy | $43,571 |
| Coordinator, corporate filing | 36,036 |
| Chief, annual list division | 28,391 |
| Deputy secretary of state, securities division | 54,818 |
| Deputy secretary of state, elections | 38,220 |
| 4. Office of the state treasurer: | |
| Chief deputy state treasurer | $43,571 |
| Deputy state treasurer, operations | 35,381 |
| Deputy state treasurer, investments | 52,416 |
| 5. Office of controller: | |
| Chief deputy controller | $55,583 |
| Assistant controller | 43,571 |
| 6. Office of the attorney general: | |
| (a) Attorney general's office: | |
| Assistant attorney general | $72,945 |
| Chief deputy attorney general - Las Vegas | 72,945 |
| Chief deputy attorney general - gaming | 72,945 |
| Chief deputy attorney general (each) | 64,755 |
| Senior deputy attorney general (each) | 57,439 |
| Deputy attorney general (each) | 49,686 |
| Chief investigator | 42,806 |
| Investigator (each) | 38,657 |
| Administrative assistant | 36,253 |
| Supervisor, office services | 41,168 |
| Legal researcher (each) | 26,317 |
| Capital case coordinator | 57,439 |
| Supervising fraud investigator | 36,364 |
| Insurance investigator (each) | 30,248 |
| (b) Office of advocate for customers of public utilities: | |
| Consumer's advocate | $65,193 |
| Staff counsel | 63,009 |
| Economist | 50,778 |
| Senior regulatory analyst | 56,019 |
| Administrative assistant | 31,013 |
| Assistant staff counsel | 49,904 |
| Regulatory analyst | 48,048 |
| Engineer | 54,054 |
| (c) Crime prevention: | |
| Crime prevention coordinator | $29,921 |
| 7. Department of administration: | |
| Director | $74,147 |
| Deputy budget administrator | 60,278 |
| Senior appeals officer | 60,278 |
| Appeals officer, hearings (each) | 57,439 |
| Chief assistant budget administrator | 50,996 |

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|---|---|
| Chief assistant, planning | 50,996 |
| Director, Clear Creek | 33,525 |
| Risk manager | 57,439 |
| 8. Department of commerce: | |
| Director | $68,687 |
| Commissioner of financial institutions | 57,767 |
| Deputy commissioner, financial institutions (each) | 51,214 |
| Certified public accountant, financial institutions | 44,444 |
| Administrator, housing division | 57,767 |
| State fire marshal | 54,818 |
| Administrator, manufactured housing division | 45,974 |
| Administrator, real estate division | 45,974 |
| Administrator, unclaimed property | 45,536 |
| Deputy administrator, real estate division (Las Vegas) | 38,002 |
| Commissioner of consumer affairs | 40,186 |
| Deputy administrator, housing division | 45,974 |
| Chief assistant, housing division | 37,128 |
| Chief accountant, housing division | 45,974 |
| Deputy director, commerce | 45,974 |
| 9. State department of conservation and natural resources: | |
| Director | $66,939 |
| Administrator, division of environmental protection | 61,807 |
| State engineer (division of water resources) | 61,807 |
| State forester firewarden | 56,566 |
| Administrator, division of state parks | 50,122 |
| Administrator, division of state lands | 44,882 |
| District supervisor, water commissioners, division of water resources | 43,025 |
| Executive director, Heil Wild Horse Bequest | 36,473 |
| Director of Tahoe land acquisition | 34,300 |
| Administrator, division of water planning | 58,478 |
| 10. Department of data processing: | |
| Director | $63,991 |
| Chief, systems and programming | 58,640 |
| Chief, planning division | 56,477 |
| Chief, facility management | 54,600 |
| 11. Department of education: | |
| Superintendent of public instruction | $72,945 |
| Deputy superintendent of public instruction | 61,807 |
| Deputy superintendent for administration | 61,807 |
| 12. State gaming control board: | |
| Chairman, gaming control board | $85,613 |
| Member, gaming control board (each) | 79,607 |
| Chief, investigation | 59,514 |
| Chief, enforcement | 59,514 |

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|---|---|
| Chief, audit | 59,514 |
| Chief, corporate securities | 59,514 |
| Chief, tax and license | 59,514 |
| Chief, administration | 59,514 |
| Chief deputy, administration | 54,354 |
| Executive secretary, gaming commission | 54,054 |
| Manager, electronics lab | 56,347 |
| Chief electronics | 59,514 |
| Electronics engineer (each) | 56,347 |
| Industrial production engineer | 48,846 |
| Digital circuits engineer | 48,846 |
| Coordinator, applicant services | 52,525 |
| Chief deputy, enforcement (each) | 54,054 |
| Chief deputy, audit (each) | 54,054 |
| Chief deputy, investigations (each) | 54,054 |
| Senior programmer analyst (each) | 45,823 |
| Hearings officer | 48,880 |
| Administrative coordinator | 48,048 |
| Business manager | 51,870 |
| Systems programmer (each) | 48,730 |
| Supervisor, investigations (each) | 48,048 |
| Supervisor, enforcement (each) | 48,048 |
| Supervisor, corporate securities (each) | 48,048 |
| Supervisor, audit (each) | 48,048 |
| Supervisor, tax and license | 48,048 |
| Supervisor | 48,048 |
| Management analyst (each) | 46,410 |
| District office manager | 48,880 |
| Manager, systems and programming | 48,048 |
| Senior agent, corporate securities (each) | 43,352 |
| Senior agent, investigation (each) | 43,352 |
| Training officer | 48,880 |
| Senior agent, audit (each) | 43,352 |
| Senior agent, tax and license (each) | 43,352 |
| Electronics specialist (each) | 41,824 |
| Senior agent, enforcement (each) | 43,352 |
| Intelligence analyst | 43,352 |
| Agent I, corporate securities (each) | 34,071 |
| Agent I, audit (each) | 34,071 |
| Agent I, investigations (each) | 34,071 |
| Agent I, enforcement (each) | 34,071 |
| Agent I, tax and license (each) | 34,071 |
| Agent II, corporate securities (each) | 38,657 |
| Agent II, audit (each) | 38,657 |
| Agent II, investigations (each) | 38,657 |
| Agent II, enforcement (each) | 38,657 |
| Agent II, research (each) | 38,657 |

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|---|---|
| Agent II, tax and license (each) | 38,657 |
| Technical services manager | 56,680 |
| Electronics technician, (each) | 37,128 |
| Legal researcher, gaming | 31,013 |
| Senior research analyst | 44,881 |
| Research coordinator | 38,657 |
| Programmer analyst (each) | 42,591 |
| Agent II (each) | 38,657 |
| 13. Department of general services: | |
| Director | $63,336 |
| Administrator, motor pool | 47,502 |
| 14. Department of personnel: | |
| Director | $59,186 |
| Equal employment opportunity officer | 46,758 |
| 15. Department of human resources: | |
| Director | $77,423 |
| Deputy director | 60,278 |
| Administrator, health division | 60,200 |
| Medical program coordinator, Nevada mental health institute | 116,517 |
| Medical program coordinator, southern Nevada mental health services | 116,517 |
| Administrator, mental hygiene and mental retardation division | 75,348 |
| State welfare administrator | 67,595 |
| Deputy administrator, mental hygiene and mental retardation division (each) | 65,739 |
| Administrator, rehabilitation division | 60,606 |
| Chief, alcohol and drug abuse | 53,399 |
| Chief, services to the blind | 53,399 |
| Chief, vocational rehabilitation | 53,399 |
| Administrator, child and family services division | 61,652 |
| Deputy administrator, child and family services division | 56,347 |
| Deputy administrator, child and family services division | 58,106 |
| Administrator, aging services division | 53,508 |
| Deputy administrator, aging services (Las Vegas) | 48,484 |
| Deputy administrator, aging services (Carson City) | 48,484 |
| Chief, elder rights | 46,628 |
| Superintendent, youth training center | 55,146 |
| Superintendent, Caliente training | 52,962 |
| 16. Department of industrial relations: | |
| Director | $61,370 |
| Assistant director | 58,422 |
| Attorney | 54,382 |

| | | |
|---|---|---|
| | Administrator, division of industrial insurance regulation | 56,566 |
| | Administrator, division of industrial safety and health enforcement | 53,180 |
| | Administrator, division of preventative safety | 53,180 |
| | Administrator, division of mine inspection | 48,704 |
| 17. | Office of the labor commissioner: | |
| | Labor commissioner | $47,284 |
| | Deputy | 31,122 |
| | Chief assistant | 26,535 |
| 18. | Department of the military: | |
| | Adjutant general | $65,520 |
| | Director, division of emergency management | 45,974 |
| 19. | Department of minerals: | |
| | Director | $63,882 |
| | Deputy director | 49,468 |
| | Chief, Las Vegas office | 36,691 |
| | Program assistant | 22,931 |
| | Administrator for dangerous mines | 37,674 |
| | Administrator for regulation | 37,674 |
| | Field specialist | 34,398 |
| 20. | Department of museums and history: | |
| | Director | $54,491 |
| | Assistant director | 37,674 |
| | Director, Nevada state museum | 42,478 |
| | Director, Nevada state museum, Las Vegas | 49,140 |
| | Director, Nevada historical society | 49,140 |
| | Development coordinator | 46,410 |
| | Assistant administrator, railroad operations | 42,478 |
| 21. | State board of parole commissioners: | |
| | Chairman | $49,468 |
| | Parole board member (each) | 43,352 |
| | Secretary to parole board | 35,490 |
| 22. | Office of the state public defender: | |
| | State public defender | $64,755 |
| | Supervising public defender (office) | 59,732 |
| | Supervising public defender (trial) | 57,439 |
| | Supervising public defender (appeals) | 57,439 |
| | Deputy public defender (each) | 49,686 |
| | Deputy public defender (prison) | 49,686 |
| | Investigator (each) | 38,657 |
| | Deputy appellate | 49,686 |
| 23. | Public service commission of Nevada: | |
| | Chairman | $69,997 |
| | Public service commissioner (each) | 65,301 |
| | Deputy commissioner | 58,094 |
| | Senior auditor (each) | 52,634 |

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|---|---|
| Financial analyst | 53,618 |
| Utility operations and rate specialist (each) | 56,347 |
| Auditor (each) | 48,048 |
| Staff counsel | 64,755 |
| Assistant staff counsel (each) | 57,439 |
| Director, consumer affairs | 43,352 |
| Public education and statistical analyst | 43,898 |
| Commissioner assistant (2 positions) each | 37,892 |
| Commissioner assistant (3 positions) each | 37,128 |
| Utility rate and tariff specialist (each) | 42,806 |
| Manager, engineering services | 59,732 |
| Engineer, communications | 56,347 |
| Engineer, water | 53,618 |
| Engineer, electric | 56,347 |
| Senior gas pipeline engineer | 56,567 |
| Engineer, gas pipeline | 53,618 |
| Senior engineering analyst | 48,048 |
| Chief auditor | 60,497 |
| Director regulatory operations | 64,210 |
| Systems analyst | 50,996 |
| Manager, rates and tariffs | 53,618 |
| Hearings officer | 48,048 |
| Chief railroad inspector | 39,858 |
| Chief transportation inspector (each) | 48,704 |
| Manager, transportation | 56,566 |
| Specialist in transportation rates and tariffs | 46,300 |
| Senior analyst (each) | 48,048 |
| Manager, consumer affairs office | 40,294 |
| Legal counsel | 64,755 |
| Secretary of policy | 58,094 |
| Assistant legal counsel | 57,439 |
| Economist | 57,548 |
| Supervising economist | 58,094 |
| Resource planning engineer | 53,618 |
| Assistant general counsel - transportation | 57,439 |
| Senior auditor - transportation | 52,853 |
| Financial specialist | 53,618 |
| Systems supervisor | 53,618 |
| Assistant secretary | 42,588 |

24. Department of taxation:

| | |
|---|---|
| Executive director | $66,285 |
| Deputy executive director | 52,306 |
| Deputy executive director | 55,692 |
| Deputy executive director | 48,812 |

25. Commission on tourism:

| | |
|---|---|
| Executive director | $66,393 |
| Director of marketing | 54,491 |

| | |
|---|---|
| Public information officer | 48,048 |
| Business manager | 44,554 |
| Development specialist, tourism (each) | 47,830 |
| Development specialist (each) | 42,370 |
| Editor publisher, Nevada Magazine | 57,876 |
| Associate editor | 31,777 |
| Managing editor, division of publications | 38,438 |
| Market and promotion manager, division of publications | 31,777 |
| Business manager, Nevada Magazine | 44,008 |
| Production manager | 35,862 |
| Art director | 37,892 |
| 26. Commission on economic development: | |
| Executive director | $66,393 |
| Deputy director | 54,491 |
| Senior associate, industrial development (each) | 48,048 |
| Supervisor, grant projects (each) | 45,866 |
| Grant project analyst (each) | 36,691 |
| Chief associate, small business | 40,186 |
| Associate, small business (each) | 36,691 |
| Director, film | 54,191 |
| Senior associate, film (each) | 48,048 |
| Associate, film (each) | 42,260 |
| 27. High-level nuclear waste: | |
| Director | $53,726 |
| Chief, technical programs | 51,324 |
| Chief of planning | 48,594 |
| Planner | 43,244 |
| Planner/researcher | 40,732 |
| Technical coordinator | 43,244 |
| 28. Department of insurance: | |
| Commissioner | $69,997 |
| Deputy commissioner (each) | 49,468 |
| Consumer advocate | 45,000 |
| 29. Miscellaneous departments, commissions and other agencies: | |
| Director, department of transportation | $77,095 |
| Deputy director, department of transportation | 74,037 |
| Director, department of motor vehicles and public safety | 68,577 |
| Director, department of prisons | 79,934 |
| Medical director, department of prisons | 117,609 |
| Mental health coordinator, department of prisons | 116,517 |
| Manager, state public works board | 71,307 |
| Executive director, employment security department | 63,991 |
| Director, Colorado River commission | 69,561 |
| Executive director, state department of agriculture | 58,094 |

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|---|---|
| Administrator, veterinary medical services | 68,796 |
| Director, plant industry program | 56,073 |
| Chief parole and probation officer | 60,387 |
| Deputy manager, state public works board | 60,606 |
| Deputy manager, state public works board | 45,754 |
| Director, department of wildlife | 58,204 |
| Deputy director, department of wildlife | 55,801 |
| Commissioner, local government employee-management relations board | 48,376 |
| Executive director, state dairy commission | 50,996 |
| Taxicab administrator | 47,502 |
| Deputy taxicab administrator | 47,383 |
| Director, state job training office | 47,066 |
| Deputy director, department of motor vehicles and public safety (each) | 48,158 |
| Drug program coordinator | 44,772 |
| Director, office of community services | 50,887 |
| Executive director, equal rights commission | 53,290 |
| Deputy director, Colorado River commission | 50,778 |
| Director, state occupational information coordinating committee | 42,916 |
| Chairman, committee to hire the handicapped | 44,772 |
| Executive secretary, Nevada athletic commission | 43,352 |
| Executive director, Nevada Indian commission | 39,312 |
| Executive director, council on the arts | 40,950 |
| Director, division of brand inspection | 42,042 |
| Nevada commissioner for veteran affairs | 35,490 |
| Nevada deputy commissioner for veteran affairs | 29,703 |
| Secretary, local government employee-management relations board | 24,571 |
| Attorney for injured workers | 63,227 |
| Deputy attorney for injured workers | 59,623 |
| Deputy attorney for injured workers (each) | 57,440 |
| Deputy attorney for injured workers (each) | 49,686 |
| Literacy coordinator, state library | 34,835 |
| Director, WICHE | 44,226 |
| Director, rural housing | 43,680 |
| Climatologist (1/4 position) | 11,372 |
| 30. Supreme court: | |
| Supervisory staff attorney | $72,946 |
| Deputy supervisory staff attorney | 64,756 |
| Chief clerk | 72,946 |
| Chief deputy clerk | 41,933 |
| Court administrator | 63,118 |
| Deputy court administrator | 49,795 |
| Counsel to the chief justice | 57,221 |
| Staff attorney III (each) | 44,538 |

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|---|---|
| Staff attorney IV (one position) | 47,502 |
| Staff attorney IV (one position) | 49,686 |
| Law librarian | 56,229 |
| Senior judicial clerk-attorney (each) | 34,289 |

31. Racing commission:

| | |
|---|---|
| Executive director | $47,502 |
| Presiding steward | 33,408 |
| Associate steward | 29,232 |
| Veterinarian | 42,804 |
| Investigator | 25,056 |
| Administrative coordinator | 26,209 |
| Lab assistant | 17,274". |

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblymen Gibbons, Wong, Sader, Callister, Humke, Haller, Elliott, Porter, Anderson and Scherer.

Assemblyman Callister requested that his remarks be entered in the Journal.

What the unclassified pay bill does is afford the executive branch under a separation of powers doctrine, the right to make salary decisions because they are largely inseparable from who you hire, the right to make those decisions. This bill authorizes the executive to make decisions up to a certain amount. The governor may choose in certain instances to approve right up to that ceiling or less than that. Typically, he does so. He may not, in fact, utilize the full amount authorized. Indeed, because of concerns that have been raised, because of diminished revenues over the last six months, we asked the Governor, in the Executive Branch, to comment upon that and I will read into the record his response dated June 28.

I stated at the time the Governor intends to review on a case-by-case basis each of the positions under his control whose salaries were increased above the recommendations in the executive budget. And, indeed, as a component of those negotiations, on occasion, we will exceed the Governor's recommendation in that final eight-man negotiating session. And his response is that as to those positions, it is his intention to limit any increase not contained in the executive budget to no more than 10 percent. So we have an odd scenario in which the Governor provides through his budget a list of increases that he would like to have us authorize. We reviewed those. They are encapsulated at the end together with what the two four-man negotiating teams think is an appropriate final package that's voted out and as I recall, it was voted unanimously and then it is encapsulated in the bill that you find before you here today. Does it mean that in each instance the executive must increase salaries to this amount? No. It merely means they may. They have the option. The Executive Branch under a traditional separation of powers notion may exercise that option as he sees best fit. I urge defeat, once again, of this amendment for all of these reasons. I simply don't understand how we can step into the shoes of the executive and speak for him on all of his hires.

Assemblymen Evans, Garner and Porter moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1511 to Senate Bill No. 650.

Assemblymen Elliott, Gibbons and Stout requested a roll call on Assemblyman Gibbons' motion.

Roll call on Assemblyman Gibbons' motion:

YEAS—19.

NAYS—Arberry, Bache, Bennett, Callister, Carpenter, Evans, Freeman, Garner, Giunchigliani, Johnson, Krenzer, Marvel, Norton, Petrak, Porter, Price, Sader, Scherer, Spitler, Myrna Williams, Wendell Williams, Mr. Speaker—22.

Absent—Bergevin.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Roll call on Senate Bill No. 650:

YEAS—22.

NAYS—Bayley, Elliott, Gibbons, Goetting, Gregory, Hardy, Heller, Humke, Kerns, Lambert, Little, McGaughey, McGinness, Pettyjohn, Spitler, Spriggs, Stout, Wong—18.

Absent—Bergevin.

Not voting—Giunchigliani.

Senate Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 311:

YEAS—38.

NAYS—Goetting, Little, Pettyjohn—3.

Absent—Bergevin.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 311, 331, 371, 493, 574, 799, 827.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 212, 303, 575, 607, 739, 753, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 451 and requests a conference, and appointed Senators Titus, Adler and Cook as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 661.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 46, 559.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 46.

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

Motion carried.

Senate Bill No. 559.

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

Motion carried.

Senate Bill No. 661.

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

Motion carried.

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

Assembly in recess at 12:21 a.m.

ASSEMBLY IN SESSION

(SUNDAY), June 30, 1991

Assembly called to order at 12:44 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 311, 372, 154, 156, 225, 466 and 650 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 12:48 a.m.

ASSEMBLY IN SESSION

At 1:22 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 212.

The following Senate amendment was read:

Amendment No. 1576.

Amend sec. 3, page 1, line 15, by deleting: "January 2, 1992." and inserting: "July 1, 1991.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 212.

Remarks by Assemblymen Price, Scherer, Spriggs and Norton.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 303.

The following Senate amendment was read:

Amendment No. 1588.

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. 1. A proposed business that qualifies pursuant to the provisions of this section is entitled to an exemption of:

(a) Eighty percent of the amount of tax otherwise due pursuant to section 9 of this act during the first 4 quarters of its operation;

(b) Sixty percent of the amount of tax otherwise due pursuant to section 9 of this act during the second 4 quarters of its operation;

(c) Forty percent of the amount of tax otherwise due pursuant to section 9 of this act during the third 4 quarters of its operation; and

(d) Twenty percent of the amount of tax otherwise due pursuant to section 9 of this act during the fourth 4 quarters of its operation.

2. A proposed business is entitled to the exemption pursuant to subsection 1 if:

(a) In a county whose population is 100,000 or more:

(1) The business will have 200 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation;

(2) Establishing the business will require the business to make a capital investment of $2,000,000 in Nevada; and

(3) The exemption is approved by the commission on economic development pursuant to subsection 3.

(b) In a county whose population is less than 100,000:

(1) The business will have 50 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation;

(2) Establishing the business will require the business to make a capital investment of $500,000 in Nevada; and

(3) The exemption is approved by the commission on economic development pursuant to subsection 3.

3. A proposed business must apply to the commission on economic development to obtain the exemption authorized pursuant to this section. The commission shall certify a business's eligibility for the exemption pursuant to this section if:

(a) The proposed business commits to the requirements of subparagraphs (1) and (2) of paragraph (a) or (b) of subsection 2, whichever is applicable; and

(b) The proposed business is consistent with the commission's plan for economic diversification and development.

Upon certification, the commission shall immediately forward the certificate of eligibility for the exemption to the Nevada tax commission.

4. Upon receipt of such a certificate, the Nevada tax commission shall include the exemption in the calculation of the tax paid by the business. A business for which an exemption is approved that does not:

(a) Have the required number of full-time employees on the payroll of the business by the fourth quarter that it is in operation; or

(b) Make the required capital investment in Nevada in the course of establishing the business,

is required to repay to the department the amount of the exemption that was allowed pursuant to this section before the business's failure to comply unless the Nevada tax commission determines that the business has substantially complied with the requirements of this section. The business is also required to pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the exemption not been granted until the date of payment of the tax.

5. The commission on economic development shall adopt regulations governing:

(a) The determination made pursuant to subsection 3 of a proposed business's eligibility for the exemption provided in this section; and

(b) The criteria for determining pursuant to subsection 4 whether a business has substantially complied with the requirements of this section.

6. The Nevada tax commission:

(a) Shall adopt regulations governing the investments that qualify for the purposes of the required capital investment pursuant to subparagraph (2) of paragraph (a) or (b) of subsection 2.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.".

Amend sec. 9, page 3, line 20, by deleting "The" and inserting: "Except as otherwise provided in section 8.5, the".

Amend sec. 9, page 3, line 42, after the period by inserting: "If the payment due is greater than $1,000, the payment must be made by direct deposit at a bank in which the state has an account, unless the department waives this requirement pursuant to regulations adopted by the commission."

Amend sec. 9, page 4, line 17, after "7." by inserting: "The commission shall adopt regulations concerning the payment of the tax imposed pursuant to this section by direct deposit.

8.".

Amend sec. 12, page 5, by deleting lines 39 and 40 and inserting: "time required, but the business shall pay interest at the rate most recently established pursuant to NRS 99.040 for each month, or fraction of a month, from the last day of the month following the date on which the amount would have been due".

Amend sec. 13, pages 5 and 6, by deleting lines 42 through 48 on page 5 and lines 1 and 2 on page 6 and inserting:

"Sec. 13. Notwithstanding any other provision of this Title, in any action by the department for the payment of taxes due pursuant to section 9 of this act, a person is not required to pay any penalty or interest for taxes due for the four quarters before the quarter in which the action is filed if the person responsible for the business had not received any correspondence from the department concerning the tax and was otherwise unaware of the liability.".

Amend sec. 36, page 11, line 30, by deleting "*$75.*" and inserting "*$85.*".

Amend sec. 36.2, page 11, line 44, by deleting "*$75.*" and inserting "*$85.*".

Amend sec. 36.4, page 12, line 8, by deleting "*$75.*" and inserting "*$85.*".

Amend sec. 36.6, page 12, line 23, by deleting "*$75.*" and inserting "*$85.*".

Amend sec. 36.8, page 12, line 38, by deleting "*$75.*" and inserting "*$85.*".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 303.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 607.

The following Senate amendment was read:

Amendment No. 1554.

Amend section 1, pages 1 and 2, by deleting lines 3 through 22 on page 1 and lines 1 through 4 on page 2, and inserting:

"*1. If a patient in a medical facility or facility for the dependent is transferred to another medical facility or facility for the dependent, a division facility or a physician licensed to practice medicine, the facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the other medical facility or facility for the dependent, the division facility or the physician. The facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.*

*2. As used in this section:*

*(a) "Division facility" has the meaning ascribed to it in NRS 433.094.*

*(b) "Medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.*".

Amend sec. 5, page 3, by deleting lines 7 through 26 and inserting:

"*1. If a patient in a division facility is transferred to another division facility or to a medical facility, a facility for the dependent or a physician licensed to practice medicine, the division facility shall forward a copy of the medical records of the patient, on or before the date the patient is transferred, to the other division facility or to the medical facility, the facility for*

*the dependent or the physician. The division facility is not required to obtain the oral or written consent of the patient to forward a copy of the medical records.*

*2. As used in this section, "medical records" includes a medical history of the patient, a summary of the current physical condition of the patient and a discharge summary which contains the information necessary for the proper treatment of the patient.*".

Amend the bill as a whole by deleting sec. 7.

Amend the title of the bill to read as follows:

"An Act relating to medical records; requiring a medical facility, facility for the dependent or division facility to forward a copy of the medical records of patients who are transferred to a physician or another medical facility, facility for the dependent or division facility; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires medical facility, facility for dependent or division facility to forward copy of medical records of certain patients. (BDR 40-1504)".

Assemblyman Bennett moved that the Assembly concur in the Senate amendment to Assembly Bill No. 607.

Remarks by Assemblyman Bennett.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 753.

The following Senate amendment was read:

Amendment No. 1546.

Amend section 1, pages 1 and 2, by deleting lines 9 through 24 on page 1 and lines 1 through 18 on page 2 and inserting:

| | | |
|---|---|---|
| "Assistant director of bill services | [$61] | *$65* |
| Assistant secretary | [91] | *96* |
| Assistant sergeant at arms | [68] | *72* |
| Bill clerk | [52] | *55* |
| Committee secretary | [74] | *78* |
| Director of bill services | [66] | *70* |
| Director of clerical services | [84] | *89* |
| History clerk | [84] | *89* |
| Journal clerk | [84] | *89* |
| Minute clerk | [84] | *89* |
| Page | [52] | *55* |
| Senior committee secretary | [80] | *85* |
| *Senior page* | | *66* |
| Sergeant at arms | [86] | *91* |
| Stenographers | [66] | *70* |
| Typist | [57] | *60* |
| ASSEMBLY | | |
| Assistant chief clerk | [$91] | *$96* |
| Assistant sergeant at arms | [68] | *72* |

| | | |
|---|---|---|
| Assistant supervisor of bill clerks | [61] | *65* |
| Bill clerk | [52] | *55* |
| Committee secretary | [74] | *78* |
| History clerk | [84] | *89* |
| Journal clerk | [84] | *89* |
| Minute clerk | [84] | *89* |
| Page | [52] | *55* |
| Secretary | [66] | *70* |
| Senior committee secretary | [80] | *85* |
| *Senior page* | | *66* |
| Sergeant at arms | [86] | *91* |
| Supervisor of bill clerks | [66] | *70* |
| Supervisor of secretarial staff | [84] | *89* |
| Typist | [57] | *60*". |

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 753.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 739.

The following Senate amendment was read:

Amendment No. 1526.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The legislature finds and declares that it is the public policy of the state to confer a preferential bidder status on a contractor licensed pursuant to chapter 624 of NRS who has paid taxes which make public works projects possible, unless the conferral of that status would preclude or reduce federal assistance for a public project.".

Amend section 1, page 1, by deleting lines 5 through 10 and inserting: "section, a contractor who [has:

(a) Been] :

*(a) Has been* found to be a responsible contractor by the public body; and

(b) [Paid the state and local taxes within this state for 5 successive years before submitting the bid,] *At the time he submits his bid, provides proof of the payment of:*

*(1) The sales and use taxes imposed on materials used for construction of not less than $5,000 for each of the 5 years immediately preceding the submission of his bid; or*

*(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business of not less than $5,000 for each of the 5 years immediately preceding the submission of his bid,*".

Amend section 1, page 1, line 13, by deleting "contractor and" and inserting: "contractor . [and".

Amend section 1, page 1, line 15, by deleting "less." and inserting "less.]".

Amend the bill as a whole by adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 338.147 is hereby amended to read as follows:

338.147 1. A public body shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided by subsection 3, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible contractor by the public body; and

(b) At the time he submits his bid, provides proof of the payment of [:

(1) The sales and use taxes imposed on materials used for construction of not less than $5,000 for each of the 5 years immediately preceding the submission of his bid; or

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business of not less than $5,000 for each of the 5 years immediately preceding the submission of his bid,] *the tax imposed pursuant to section 9 of Assembly Bill No. 303 of the 66th session of the Nevada legislature for each of the 5 years immediately preceding the submission of his bid,*

shall be deemed to have submitted a better bid than a competing contractor who has not paid [the] *those* taxes if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

Sec. 4. 1. This section and sections 1 and 2 of this act become effective on October 1, 1991.

2. Section 3 of this act becomes effective on October 1, 1996, only if Assembly Bill No. 303 is enacted by the 66th session of the Nevada legislature.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 739.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 575.

The following Senate amendment was read:

Amendment No. 1540.

Amend sec. 3, page 1, line 8, by deleting "*A permit*" and inserting: "*In a county whose population is 400,000 or more, a permit*".

Amend sec. 3, page 1, by deleting lines 15 through 18 and inserting: "*moving vehicles;*

*(c) Mirror; and*

*(d) Brakes.*".

Amend sec. 3, page 1, by deleting lines 21 through 23 and inserting:

"*3. A permit is not required for the operation of a golf cart during daylight, by a person holding a current driver's license, if the golf cart is:*

*(a) Equipped with an emblem or placard for slow moving vehicles; and*

(b) Operated solely upon that portion of a highway designated by the appropriate city or county as a:

(1) Crossing for golf carts; or

(2) Route of access between a golf course and the residence or temporary abode of the owner or operator of the golf cart.".

Amend sec. 6, page 2, line 40, by deleting "$23." and inserting: "$23 and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.".

Amend sec. 6, page 2, line 44, by deleting "fund" and inserting "account".

Amend sec. 6, page 2, by deleting line 45 and inserting: "verification of insurance which is hereby created in the state general fund".

Amend sec. 6, page 2, line 46, by deleting "must be" and inserting "*must be*".

Amend sec. 6, page 3, by deleting lines 1 and 2.

Amend sec. 6, page 3, line 3, by deleting "*7.*" and inserting "6.".

Assemblyman Krenzer moved that the Assembly concur in the Senate amendment to Assembly Bill No. 575.

Remarks by Assemblyman Krenzer.

Motion carried.

Bill ordered enrolled.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 828, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Health and Welfare, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

*Mr. Speaker:*

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Assembly Bill No. 829, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 401; Senate Bills Nos. 302, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 538 be taken from the Chief Clerk's desk and re-referred to the Committee on Commerce.

Motion carried.

Assemblyman Callister moved that Assembly Bill No. 807 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Spriggs moved that Assembly Bill No. 777 be taken from the Chief Clerk's desk and re-referred to the Committee on Taxation.

Motion carried.

Assemblyman Gibbons moved that Senate Bill No. 546 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Marvel moved that Senate Bill No. 603 be taken from the Chief Clerk's desk and re-referred to the Committee on Labor and Management.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 352, 401; Senate Bills Nos. 302 and 477 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 828 and 829 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 828 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 829 be taken from its position on the General File and placed on the General File immediately following Assembly Bill No. 828.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter requested that the record reflect Assemblyman Pettyjohn excused for the remainder of the day.

GENERAL FILE AND THIRD READING

Assembly Bill No. 828.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 828:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 828 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 829.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 829:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 829 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 828 and 829 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1596.

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

"Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Within the limits of legislative appropriations, the welfare division of the department of human resources shall establish the rates at which each person licensed to conduct a family foster home is compensated for costs related to the provision of clothing to a foster child placed in the home. Money for the clothing allowance, according to the age of the foster child, must be paid at the following minimum rates:*

| | |
|---|---|
| *Birth to 4 years* | *$300 per year* |
| *5 to 12 years* | *400 per year* |
| *13 to 18 years* | *500 per year* |

*2. The clothing allowance may be paid periodically throughout the year. The welfare division may also provide an additional clothing allowance for a foster child at the time he is placed in the custody of the division.*

Sec. 2. 1. There is hereby appropriated from the state general fund to the department of human resources for the payment of clothing allowances pursuant to section 1 of this act:

For the fiscal year 1991-92 ..... $109,668

For the fiscal year 1992-93 ..... $116,373

2. The sums appropriated by subsection 1 are supplemental to any other state and federal money made available for the same purpose.

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to foster care; establishing minimum rates of compensation for the provision of clothing to a foster child; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes minimum rates of compensation for provision of clothing to foster child. (BDR 38-389)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1605.

Amend section 1, page 1, line 2, by deleting "$7,372,233" and inserting "$2,372,232".

Amend section 1, page 1, by deleting lines 3 through 8 and inserting: "for the acquisition and installation of computer hardware and software to complete the computer center management information system.".

Amend sec. 3, page 1, line 13, by deleting: "upon passage and approval." and inserting: "on June 30, 1991.".

Amend the title of the bill, first and second lines, by deleting: "purchase of computer equipment" and inserting: "acquisition and installation of computer hardware".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to University of Nevada System for acquisition and installation of computer hardware and software. (BDR S-1767)".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1603.

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

"Section 1. There is hereby appropriated from the state general fund to the National College of Juvenile and Family Law the sum of $200,000 for expenses relating to the operation of the college.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on June 30, 1991.".

Amend the title of the bill to read as follows:

"An Act making an appropriation to the National College of Juvenile and Family Law for expenses relating to the operation of the college; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation for expenses relating to operation of National College of Juvenile and Family Law. (BDR 1-1778)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1597.

Amend sec. 8, page 3, by deleting lines 33 through 41 and inserting: "University of Nevada School of Medicine the sum of $100,000 for grants to health officers to subsidize a portion of the malpractice insurance for providers of prenatal care within their jurisdictions pursuant to sections 2 to 6, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 9, page 3, line 42, by deleting "July 1," and inserting "June 30,".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 1:54 a.m.

## ASSEMBLY IN SESSION

At 3:10 a.m.

Mr. Speaker presiding.

Quorum present.

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 716, 751, 825.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 540.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 454, 535, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 449 and requests a conference, and appointed Senators Titus, Cook and Adler as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 653.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 653.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Johnson and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 449.

Mr. Speaker appointed Assemblymen Spriggs, Norton and Scherer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 451.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that the action whereby Amendment No. 1597 to Senate Bill No. 477 was adopted be rescinded.

Remarks by Assemblyman Marvel.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1609.

Amend sec. 7, page 3, by deleting lines 8 through 31 and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 8, page 3, by deleting lines 33 through 41 and inserting: "University of Nevada School of Medicine the sum of $100,000 for grants to health officers to subsidize a portion of the malpractice insurance for providers of prenatal care within their jurisdictions pursuant to sections 2 to 6, inclusive, of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 9, page 3, line 42, by deleting "July 1," and inserting "June 30,".

Amend the title of the bill, by deleting the third and fourth lines and inserting: "prenatal care in certain areas of Nevada; making an".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Senate Bill No. 621 be taken from the Chief Clerk's desk and re-referred to the Committee on Transportation.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 352 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 352 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 352:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 653.

Bill read third time.

The following amendment was proposed by Assemblymen Goetting, Bayley, Carpenter, Kerns and Pettyjohn:

Amendment No. 1598.

Amend sec. 2, page 2, line 26, by deleting "$25,887,267" and inserting "$11,213,098".

Amend sec. 2, page 2, line 28, by deleting: "and second grades" and inserting "grade".

Amend sec. 2, page 2, lines 42 and 43, by deleting: "and second grades" and inserting "grade".

Amend sec. 3, page 3, line 4, by deleting "$28,642,453" and inserting "$12,010,920".

Amend sec. 3, page 3, line 6, by deleting: "first, second and third" and inserting: "first and second".

Amend sec. 3, page 3, lines 20 and 21, by deleting: "first, second and third" and inserting: "first and second".

Assemblyman Goetting moved the adoption of the amendment.

Remarks by Assemblymen Goetting, Myrna Williams, Wong, Giunchigliani, Haller, Anderson, Bayley, Callister and Evans.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOETTING:

What this amendment would do, would defer second grade of class-size reduction into the second year of the biennium and eliminate third grade until next session. We have proposed this amendment, basically—I promised the chairman of Ways and Means I'd make this quick—based on a survey done of the classrooms available. Currently 61

percent of first-grade classrooms are staffed with one teacher and 39 percent are taught by teams. Based upon the school district's estimates of their needs and the numbers of classrooms available in the next biennium, 74 percent of first grades and 40 percent of second grades will have a ratio of 16 to 1 in fiscal year 1991-92. The remainder of those grades would be team taught. In fiscal year 1992-93, 82 percent of first grades, 56 percent of second grades and 50 percent of third grades would be at the 16 to 1 ratio with the rest of those grades requiring team teaching. By deferring second grade to the second year of the biennium, and deleting third grade from consideration until next session, we would save approximately $31,305,000 over the biennium. I guess the choice is—and how I view this, I'm not sold on team teaching. I think the class size with 16 to 1 ratio has merit, it is still a new program and it hasn't really been studied too much either way and I think to get the 16 to 1 ratio, we need to wait a year on second grade so that we have the classrooms. Basically, when you look at this amendment you're looking at team teaching versus waiting and having the classroom at a ratio of 16 to 1. That's about the size of it.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to this amendment. I think we made it pretty clear what we wanted to do for our children. We all want to save money, but it is more important to save children. And, we save our children by giving them a foundation and that foundation starts in very early years of their lives. I've heard a lot of talk this evening about team teaching. Let me tell you something. I have a nine-year old grandson who is in the fourth grade. There are 40 children in that class. Nobody is going to tell me that having two teachers in that classroom wouldn't assist every one of those children. So, I would hope that this body would understand the intent of class size reduction as we passed it in the last session, for the teachers of this state and for the future of our children, and reject this amendment.

ASSEMBLYMAN WONG:

Thank you, Mr. Speaker, I rise in support of Amendment No. 1598. When I came to this body, a gentleman who I have a great deal of respect for told me that it's evolution not revolution. I think this is an opportunity to go slowly, to add the second grade, to allow us to catch up with building so that we have adequate classroom space which we don't have right now. I kind of look down and say that class size isn't all it's cracked up to be, too. Some of the people you brought here yourselves, Dr. Card, said that class size reduction was not the answer. So, I think it's prudent of us at this point if we take one step at a time and I think the second grade plan at this point is more than adequate.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker, I rise in opposition to Amendment No. 1598 to the class size reduction act. Some of the concern seems to be the issue of team-teaching. I would point out that team-teaching has been in the books and in this particular section for over 25 years. It's not something new that was created by the legislature. When I started teaching in 1976, I team-taught. It can work. You have different personalities that are together. It's a short-term solution until the facilities are available. However, I would also point out that in this law there are allowances for school districts to apply for variances if they don't have the facilities. So they already have that opportunity. What this legislative body did in 1989 was to become the first one in the United States to make a commitment to children to reduce class sizes for kindergarten through third grade in order to provide them with the quality learning experience and to force people into recognizing that it works. But, you have to show them that it works and in order to show them that it works, you have to give them the time to move through the process. These are people. These are children. They're not something that you're going to get a quick statistic with overnight, and by changing, if this amendment were to pass what you would be doing is eliminating the opportunity for those kids who started in first grade and will be going in the second grade and then completing the phase of the third grade in the smaller class size setting. It is more than test scores. It is an opportunity for children to be treated as individuals, to learn to share, to learn how to work together. That's what class size is all about. I would just urge you to not buy into some of the rhetoric that you are hearing here. If the teachers are standing up and

saying that they're willing to handle the team teaching, you're not the one that's going to have to do the team teaching. I will appreciate it if you'd respect the professionals that are in the classrooms that are the ones who are willing to take this on.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in opposition to this amendment. I probably have spent more time in more different kinds of classrooms than anyone in this room. I darn near got fired once for advocating team teaching. But, come on, lets get into the 20th century. We're doing things in the classrooms that a lot of people make the big mistake of saying "Well, when I was in sixth grade we did it this way." They personalize stuff and they don't even know what's happening. We saw some marvelous team teaching on our trip of two weeks which some people say were wasted. They sure weren't wasted by the Education committee when we went down to Las Vegas. I saw some stuff that Las Vegas should be proud of. I saw a portable, you know, temporary building that had two classes working at the same time with one teacher. Think what she could have done with two teachers. But, the point is, team teaching is not a dirty word. And there are lots and lots of different variations on it. In fact, I heard one praised by Mr. Bayley a little while ago. Actually, it was a team-teaching situation in a strange kind of a setting in one of the elementary schools in Las Vegas. But, nevertheless this move toward the smaller classes, particularly in the primary, is one of the most glorious things that people who can put their mouth where their money is could jump on to. Nevada is ahead of the world on this one. Let's not do this amendment.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. The class size issue is, I guess, not surprisingly, important to classroom teachers. Because it is important to kids, it's going to make the difference in this state. For all of you who keep on talking about accountability, who want to see differences in kids, you're going to see that. You're going to see that when those kids come out at the end of this and come into our middle schools and high schools able to read and write and communicate at a higher level. You can go ahead and throw away the millions of dollars that has already been put into class size reduction for first grade, because the emphasis will be lost if they can't move into another situation here at the second grade level this coming year. You'll have lost that momentum. You have to keep it rolling. These first three years are critical. This entire day a lady sat next to me who deals with second grade problems every day. She can tell you of the heartache of dealing with 35, 36 or 37 or 42 kids in a second-grade classroom because she has dealt with those things. This is going to make a difference. Thank you.

ASSEMBLYMAN BAYLEY:

Thank you, Mr. Speaker. Quickly, if I could, taxpayers voted for class-size reduction. That is not what this is. This is a team-teaching bill. I wonder how they would have voted if it had been presented to them like that. That's what they'll be getting for their money. Secondly, I'm in contact with the teachers in a few schools and I have talked to them and they seem to say the opposite of what we hear up here. They look at me and say "team teaching" and they shake their head. And, some of them say it's trade-off teaching. And that's not all and I'm not inferring that to all situations at all. But, I'm telling you what the teachers that I'm in contact with tell me. Not the ones that have come up here, but the ones in my schools. They say, "no way."

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. To you, and through you to my colleagues, I will attempt to keep my comments as brief as I can. I'll try to respond both to the amendment, and in so doing, I imagine I'll make the bulk of the comments that I would have in regard to the bill. I, of course, rise in opposition to the amendment and I echo the sentiments of those who have gone before me and why I stand in opposition. Fundamentally, I'm opposed because I think number one, the amendment would defeat class size before it's barely had a chance to start. One of the most typically asked questions of me as a legislator in supporting this program is when and how do you plan to measure it? And, can you demonstrate yet, Mr. Callister, that it is worth the expense? I want the members of this body to know that I share some very serious concerns about the answers to that question. I appreciate that this

is a bold experiment. I appreciate that it's an expensive and bold experiment. And I am much reassured by the continuing support and leadership that this body has provided over the past 6 years in supporting this measure. But, that doesn't mean that I don't have the same qualms that I think many of you have about it's efficacy. But, I would suggest to you that to take the kids who have now benefited from it for just the last one year—the last nine months—just now concluding that first year, those first-graders, and to deny them the privilege of going forward into a similarly-reduced second grade would clearly gut the program before it has a chance. I'd like to take a moment, also, to give you some sense of the statutes that we're guided by here today. And I'd like to begin by reading from NRS 388.700 and remind you all that what we have here today is not an amendment to the code. What we have here is a proposed amendment to intentionally under-fund. That is a clear and different item. NRS 388.700 reads as follows: except as otherwise provided, the ratio in school district, in each school district of pupils per class in kindergarten and grades 1, 2 and 3 per licensed teacher designated to teach those classes full time must not exceed 15 to 1. That's the law. If someone wants to change the law, the procedure then would be to submit an amendment to NRS 388.700. No one sought to do that. What's been done, instead, is to suggest that we ought to intentionally under-fund the legal obligation that binds us. Additionally, there are some concerns over the cost of third grade and I would certainly recognize that this amendment, amongst other items, while it intends to eliminate both second grade also intends to eliminate third grade and defer them into some future realm. I think it's important to note that the cost of third grade, as an addition to this budget, is less than $10 million. The number to bear in mind is roughly $10 million for second and $10 million for third. It's a lot of money, but I don't think it's too much for the purposes that we're seeking to accomplish. I had passed out a collection of documents that I've put together over the past year or two and I'd like to walk through them briefly with you.

For those of you who have taken a moment to peruse them, they're not a prejudiced set. They raise many of the same issues that you have raised and that others have raised. Questions about the team-teaching issue. Questions about classroom availability. Questions about the legitimacy of the program and there are some comments pro and con. But, I do suggest to you that all of these comments seem to echo one theme. And that theme is that insofar that we can measure thus far, the program is working. The bold experiment is working. The first page notes in the second paragraph that both Clark County and Nevada should continue to work on class size reduction. There are a couple of pages of clever cartoons. The first meaningful page, I think, is a letter that I received from Susan Brand, principal of Laughlin School, who notes the benefits of team teaching and states the benefits of collaborative teaching models which have been developing stands far beyond what we'd predicted. Teacher burnout as a result of isolation has been significantly impacted in a positive manner. Quality, high-level teachers were attracted to and retained by the opportunity to interact and to work in a collaborative model. That's intriguing to me. That some teachers, indeed many teachers that I have met and spoken to, and I've had the opportunity to meet with a group of more than 200 southern Nevada teachers involved in this program and about 85 percent supported it, irrespective of whether it meant team-teaching. I thought that was a heart-warming number. But I'm intrigued by the comment of this professional educator that there are significant benefits to team teaching. Is it as good as having a 15 to 1 ratio in a single classroom? Clearly not. That is clearly not the intention of the Code or the Act. But I would suggest to you that the only alternative we would have would be to say to all the school districts in the state, "give us a call when you've got those extra empty classrooms and you've managed to convince the local folks in a school bond election to build more classrooms than you need, give us a call. The state legislature will step into the breach and fund you with those new teachers." I think we all recognize the inherent absurdity of that. We're all professional enough politicians at least to know that someone has to press the issue. I'm pleased that for four years this legislature has done so. We have taken the first step and said, "we're going to provide the teachers. You take care of the classrooms." If you turn the page again, there is a page of comments from parents and I can't recall which school it was, but it's a number of interesting comments and includes such statements as, "My child, James, was in a large kindergarten

class last year and didn't get a solid understanding of reading, however he's doing great this year because of class-size reduction." Another parent notes, "Last year, my child fell through the cracks." This year she's noted a dramatic change in her son. She's extremely impressed. Those kind of comments are legion. Comments from parents in particular of children who have learning disabilities and who in a traditional 30 to 1 or 40 to 1 classroom would be farmed out to a much more expensive version of class size; special education. One of the fascinating benefits of class-size reduction is that repetitively, I've been advised that parents have been able to keep their children main-streamed, because a teacher in a main-stream, 15 or 16 to 1 class size scenario, could deal effectively with the one or two handicapped children—could accommodate them. But, when you get into a 30 or 40 to 1 scenario, those children would have to be removed to a different situation where you're now having a 7 or 8 to 1 class-size reduction. There's another page from the Andrew J. Mitchell School in Boulder City, Nevada, that notes a number of benefits that teachers there who have all signed the bottom of the page feel are the result of class size reduction. Fewer discipline problems, self concept has improved, a family-like atmosphere. All of these factors contribute to students who are better problem-solvers, better critical thinkers and more confident and prepared to face tomorrow's challenges. You know I can go on and read a number of comments, you can do that yourself. The one final document I wanted to draw to your attention is an excerpt from a document entitled Education in Crime which itself is an excerpt from a U.S. Department of Education and Bureau of Census publication. It notes a striking correlation on page two of that document between Sylvan who received the benefit of a program much like class size, called Head Start. Some of you may have been familiar with it. Head Start and class size reduction are both programs that in particular are beneficial to high-risk children. Children who perhaps come to school from a home where they are not receiving significant support in terms of helping them do their homework or helping them get up on time or having adequate meals sometimes. Those same children, I would suggest to you, frequently end up costing the state much, much more than the class size program because they end up filling our jails. This document notes that 82 percent of America's prisoners are high school drop-outs. I've noted before from a number of studies that between 65 percent and 75 percent of all inmates, including Nevada inmates, are functionally illiterate. I would certainly suggest that these dollars are dollars that we will spend whether we spend them on the front-end of the system or the tail end of the system, we will spend these dollars. Finally, the document notes that children enrolled in Head Start compared to those who were not so enrolled, 19 years later or 16 years after the program, the following statistics were demonstrated: 59 percent of those who were in the Head Start program were employed, while 32 percent of the control group were. Sixty-seven percent were high-school graduates compared to 49 percent of those who didn't have the Head Start program. Thirty-eight compared to 21 percent were enrolled in college. I think the other statistics you can read for yourself. Again, I would simply note that I think it's a question of whether we spend the money now or later. I don't imagine that we can avoid spending the dollars. I think that from a long-term investment point of view, class size more than pays for itself and I certainly take difference of opinion with those who take Dr. Card's comments otherwise. Dr. Card noted that indeed they would be more than happy to send some Princeton graduate students to study our program. But, this is one area where Nevada was indeed first in the nation. And, I would suggest in closing, Mr. Speaker, that if there is any one area where I would like to see Nevada be ahead of the crowd, be first in the nation, it would be in the area of class-size reduction and in the area of education.

ASSEMBLYMAN WONG:

Thank you, Mr. Speaker, for your indulgence. I must rise once again in opposition to this class-size reduction move for first through third grade and support this amendment. When you talk about professionals; I've only had six years of teaching experience, but my wife has 20, and my brother has 30 years. My brother has had several articles published by Harvard University. We have discussed this issue on numerous occasions. Team teaching does not provide the benefits vis a vis the investment. How, then, can you explain that an average Japanese school—41 students per class—they excel. Is it because Mom and Dad are an example for their children? Is it because Mom and Dad encourage their

children to succeed? How long and how far must we expect teachers to be all things to all people? And, that is what we are expecting. The teachers aren't going to solve all the problems of the State of Nevada. Mom and Dad are going to have to show by example when those kids go to school. It's not because of overcrowding in the schools it's because when those kids are going home, they're probably watching too much TV and Mom and Dad aren't putting a common investment in them. That's why they're not succeeding. In other countries where they are, Mom and Dad are showing by example and that's why they're succeeding. My colleague, the chairman of Ways and Means, talk about Head Start. Do you also know that Head Start, sure it gave them a head start, but by the fourth grade they're no farther ahead than the other students who didn't have Head Start. What is it telling us? It's telling us that Mom and Dad, their family structure isn't working and isn't providing the support and that is why those kids aren't doing as well as the others. We are wasting our money here. We are simply wasting our money here. It's a good idea, but it isn't going to work because it is simply not going to be supported by the family structure. And, until the family structure in this state accepts the responsibility to show by example to their children, we're going to throw money away.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker, I wish to speak in opposition to the amendment. It seems that folks are getting "curiouser and curiouser." The amendment that we are looking at is a verbatim duplication of an amendment that was proposed and defeated yesterday in the Senate. It went down like a rock in the Senate and I hope it goes down like a rock in the Assembly. Given that, I have to question the purpose of introducing this amendment in our house, because if by some odd chance we would pass it, of course the Senate would not concur and eventually the bill would die. Is that really what is behind all of this, to simply kill class-size reduction? I find that very sinister and I hope you will defeat this proposal.

Assemblymen Porter, Garner and Myrna Williams moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 1598 to Senate Bill No. 653.

Assemblymen Goetting, Evans and Giunchigliani requested a roll call on Assemblyman Goetting's motion.

Roll call on Assemblyman Goetting's motion:

YEAS—9.

NAYS—Anderson, Arberry, Bache, Bennett, Callister, Elliott, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Hardy, Heller, Humke, Johnson, Krenzer, McGinness, Marvel, Norton, Petrak, Porter, Price, Sader, Scherer, Spitler, Stout, Myrna Williams, Wendell Williams, Mr. Speaker—31.

Absent—Bergevin, Pettyjohn—2.

The amendment having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblymen Callister and Anderson.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. Nothing further, Mr. Speaker, except to note that we did reduce from the statutory 15 to 1, in terms of the funding provided, to 16 to 1 for all three grades.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I hope with the passage of this bill that that syndrome of "stack them deep and teach them cheap" will win and Nevada will be able to move ahead.

Roll call on Senate Bill No. 653:

YEAS—31.

NAYS—Bayley, Carpenter, Gibbons, Goetting, Kerns, Lambert, Little, Spriggs, Wong—9.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 653 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 646 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 190, 500; Senate Bills Nos. 84, 329, 364, 441, 574, 647; Senate Concurrent Resolutions Nos. 21, 36, 43, 54, 59, 68, 69, 70, 71.

Assemblyman Porter moved that the Assembly adjourn until Sunday, June 30, 1991 at 1:00 p.m.

Motion carried.

Assembly adjourned at 3:52 a.m.

Approved: JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

## THE ONE HUNDRED AND SIXTY-FIRST DAY

CARSON CITY (Sunday), June 30, 1991

Assembly called to order at 2:21 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Bergevin and Pettyjohn, who were excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven, we are grateful to be here on this beautiful Sunday to bring to closure our activities here. We are thankful for the bounteous blessings that we enjoy, for the great country in which we live, our great state, and for the peace we all enjoy, for the friendships that we have cultivated, for the honest debate and the differences we have shared. Now help us, today, that we may move forward with dispatch to accomplish the tasks of this day. Forgive us our shortcomings. Help us to overcome our weaknesses. Bless us and our leaders with wisdom and all the blessings we need. We pray especially that Thou will bless members of this house and especially Mr. Bergevin, who is recovering from sickness. We pray that Thou will bless others who are sick and afflicted in any way. We are grateful, Father in Heaven, for all the blessings, for the moisture Thou has sent us and pray that Thou will continue to do this. We pray that Thou will bless us in our efforts this day to bring closure to this session and we say this humbly in the name of the Messiah. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bill No. 661; Senate Bills Nos. 46, 514, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 327, 403, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 577.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 652.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 658, 659.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 652, 654, 657.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 361, 469, 503, 532, 626, 641, 655; Senate Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Vergiels, Shaffer and Getto as a first Committee on Conference concerning Senate Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Cook and Getto as a first Committee on Conference concerning Senate Bill No. 416.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Coffin and Glomb as a first Committee on Conference concerning Senate Bill No. 611.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 652.

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

Motion carried.

Senate Bill No. 654.

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

Motion carried.

Senate Bill No. 657.

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

Motion carried.

Senate Bill No. 658.

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

Motion carried.

Senate Bill No. 659.

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

Motion carried.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 661 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 46 and 514 declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 401 and Senate Bill No. 302 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 302 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 401 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 477 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 401:

YEAS—33.

NAYS—Bayley, Goetting, Heller, Johnson, Scherer, Spriggs, Wong—7.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblymen Humke and Evans.

Roll call on Senate Bill No. 302:

YEAS—35.

NAYS—Bayley, Goetting, Petrak, Scherer, Stout—5.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Callister moved that Senate Bill No. 646 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Callister.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 661.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 661:

YEAS—33.

NAYS—Haller, Johnson, Kerns, Lambert, Little, Petrak, Porter—7.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 661 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 46:

YEAS—33.

NAYS—Anderson, Bayley, Goetting, Haller, Johnson, Little, Spitler—7.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 514.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 514:

YEAS—35.

NAYS—Haller, Lambert, Petrak, Scherer, Stout—5.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 477.

Bill read third time.

Remarks by Assemblymen Marvel, Sader and Evans.

Assemblyman Evans requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I would ask, please, that the record reflect a conflict of interest since I am an employee of the University of Nevada School of Medicine; however, the provisions of this bill in no way affect my position or my job and according to the ruling given to me by the Nevada Ethics Commission, I am permitted to vote on such measures. Thank you.

Roll call on Senate Bill No. 477:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 327.

The following Senate amendment was read:

Amendment No. 1548.

Amend sec. 4, page 2, by deleting lines 11 through 13 and inserting:

"Sec. 4. *The purpose of the advisory board is to advise the administrator of the health division concerning perinatal care to enhance the survivability and health of infants and mothers, and concerning programs to improve the health of preschool children, to achieve the following objectives:*

*1. Ensuring the availability and accessibility of primary care health services;*

*2. Reducing the rate of infant mortality;*

*3. Reducing the incidence of preventable diseases and handicapping conditions among children;*

*4. Reducing the need for inpatient and long-term care services;*

*5. Increasing the number of children who are appropriately immunized against disease;*

*6. Increasing the number of children from low-income families who are receiving assessments of their health;*

*7. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services; and*

*8. Promoting the health of infants and mothers by ensuring the availability and accessibility of affordable perinatal services.*".

Amend sec. 5, page 2, by deleting lines 14 through 23 and inserting:

"Sec. 5. (Deleted by amendment.)".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 327.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 424, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | RONALD V. COOK |
| BERNIE ANDERSON | ERNEST E. ADLER |
| JOSEPH JOHNSON | DINA TITUS |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 22.

Amend section 1, page 1, line 4, by deleting "*$4,500,000*" and inserting "*$5,000,000*".

Amend section 1, page 1, line 7, by deleting "*$4,500,000.*" and inserting "*$5,000,000.*".

Amend section 1, page 1, line 8, after "The" by inserting: "*amounts of annual gross revenue provided for in subsections 1 and 2 must be increased or decreased annually in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. On or before December 15 of each year, the commission shall determine the amount of the increase or decrease required by this subsection and establish by regulation the adjusted amounts of annual gross revenue in effect for the succeeding calendar year. The*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 424.

Remarks by Assemblyman Sader.

Conflict of interest declared by Mr. Speaker.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 449, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 36, which is attached to and hereby made a part of this report.

| | |
|---|---|
| ROBERT M. SADER | DINA TITUS |
| BERNIE ANDERSON | RONALD V. COOK |
| JOSEPH JOHNSON | ERNEST E. ADLER |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 36.

Amend sec. 31, page 7, by deleting lines 15 and 16 and inserting: "and 3 of Assembly Bill No. 554 of this session, [and] sections 3 and 4 of Assembly Bill No. 423 of this session, and section 1 of [this act] *Assembly Bill No. 428 of this session, and section 30 of this act,* have".

Amend sec. 44, page 13, line 35, after "session," by inserting: "and section 1 of Assembly Bill No. 428 of this session,".

Amend the bill as a whole by deleting sec. 45 and renumbering sec. 46 as sec. 45.

Amend sec. 46, page 13, line 41, by deleting "12:02" and inserting "12:03".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 449.

Remarks by Assemblyman Sader.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 403.

The following Senate amendment was read:

Amendment No. 1570.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 381.002 is hereby amended to read as follows:

381.002 1. The board of museums and history, consisting of eleven members appointed by the governor, is hereby created.

2. The governor shall designate the chairman of the board from among its members.

3. Upon recommendation of the chairman of the board, the governor may appoint two additional members to the board.

4. The board shall meet regularly at least [six] *four* times each year and may meet at other times upon the call of its chairman.

5. The board may develop and approve policy for:

(a) All administrative, technical and procedural activities of the department, including the institutions and other divisions; and

(b) The organization of the department, including the institutions and other divisions, in a manner which will ensure efficient operation.

6. The board must approve any expansion of an institution or other division of the department and any new institutions or other additions to the department before the expansion or addition is implemented.

7. The board may delegate one or more of its powers to the administrator and the director or curator of an institution or other division of the department.

8. The board may adopt such regulations as it deems necessary to carry out its powers and duties, consistent with all legislative enactments relating thereto.".

Amend sec. 3, page 1, by deleting line 9 and inserting:

"Sec. 4. This act becomes effective on June 30, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to museums and history; reducing the number of times the board of museums and history is required to meet each year; making an appropriation to the Nevada museum and historical society in Las Vegas for the installation of security monitoring equipment and for maintenance of the facility; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to museums and history. (BDR S-1769)".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 403.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 454.

The following Senate amendment was read:

Amendment No. 1581.

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

"Section 1. Chapter 370 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Upon proof satisfactory to the department, a refund must be allowed for the taxes paid pursuant to NRS 370.450, upon products made from tobacco other than cigarettes, that are sold to:*

*(a) The United States Government for the purposes of the Army, Air Force, Navy or Marine Corps and are shipped to a point within this state to a place which has been lawfully ceded to the United States Government for the purposes of the Army, Air Force, Navy or Marine Corps;*

*(b) Veterans' hospitals for distribution or sale to disabled servicemen or ex-servicemen interned therein, but not to civilians or civilian employees;*

*(c) Any person if sold and delivered on an Indian reservation or colony where an excise tax has been imposed which is equal to or greater than the rate of the tax imposed pursuant to section 2 of chapter 269, Statutes of Nevada 1991; or*

*(d) An Indian if sold and delivered on an Indian reservation or colony where no excise tax has been imposed or the excise tax is less than the rate of the tax imposed pursuant to section 2 of chapter 269, Statutes of Nevada 1991.*

*2. Any refund must be paid as other claims against the state are paid.*".

Amend the bill as a whole by deleting sec. 3.

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 370.440 is hereby amended to read as follows:

370.440 As used in NRS 370.440 to 370.500, inclusive, *and section 1 of this act,* unless the context otherwise provides:

1. "Retail dealer" means any person other than a wholesale dealer who is engaged in selling products made from tobacco, other than cigarettes, to customers.

2. "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of products made from tobacco, other than cigarettes.

3. "Wholesale dealer" means any person who purchases products made from tobacco, other than cigarettes, directly from the manufacturer or who

purchases [such] *those* products from any other person who purchases them from the manufacturer to sell to retail dealers and who serves retail outlets from an established place of business including, but not limited to, the maintenance of a warehouse for the storage and distribution of [such] *those* products.

4. "Wholesale price" means the established price for which a manufacturer sells a product made from tobacco, other than cigarettes, to a wholesale dealer before any discount or other reduction is made.

Sec. 6. Section 4 of chapter 269, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 4. NRS 370.440 is hereby amended to read as follows:

370.440 As used in NRS 370.440 to 370.500, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 454 of this session, and section 2 of this act,* unless the context otherwise provides:

1. "Retail dealer" means any person other than a wholesale dealer who is engaged in selling products made from tobacco, other than cigarettes, to customers.

2. "Sale" means any transfer, exchange, barter, gift, offer for sale, or distribution for consideration of products made from tobacco, other than cigarettes.

3. "Wholesale dealer" means any person who purchases products made from tobacco, other than cigarettes, directly from the manufacturer or who purchases those products from any other person who purchases them from the manufacturer to sell to retail dealers and who serves retail outlets from an established place of business including, but not limited to, the maintenance of a warehouse for the storage and distribution of those products.

4. "Wholesale price" means the established price for which a manufacturer sells a product made from tobacco, other than cigarettes, to a wholesale dealer before any discount or other reduction is made.".

Amend the title of the bill to read as follows:

"An Act relating to tobacco; revising certain reporting requirements; authorizing a refund of the excise taxes paid on products made from tobacco other than cigarettes that are sold to certain persons; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "cigarettes." and inserting: "cigarettes and other products made from tobacco.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 454.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assemblyman Callister moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:58 p.m.

## ASSEMBLY IN SESSION

At 3:13 p.m.
Mr. Speaker presiding.
Quorum present.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 401, 661; Senate Bills Nos. 46, 302, 477 and 514 be immediately transmitted to the Senate.

Motion carried unanimously.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 652, 654, 658, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 657, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

Assemblyman Porter moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 3:18 p.m.

## ASSEMBLY IN SESSION

At 5:30 p.m.
Mr. Speaker presiding.
Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Commerce, to which was referred Senate Bill No. 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 572, 691, 714, 815, 818, 824, 826.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 491, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 424.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 449.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 451.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 660, 662, 663.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 412, 597.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 302, 311, 372.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 412.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 412 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Senate Bill No. 597.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage immediately following Senate Bill No. 412.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Senate Bill No. 660.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage immediately following Senate Bill No. 597.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Senate Bill No. 662.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage immediately following Senate Bill No. 660.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Senate Bill No. 663.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 568, 657 and 658, declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Callister moved that Senate Bill No. 597 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Callister.

Motion carried.

Assemblyman Callister moved that Senate Bill No. 662 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Callister.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 412.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 412:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 660.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 660:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 660 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 568.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 568:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 657.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1608.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective on January 1, 1993.".

Amend the summary of the bill, first line, by deleting: "the operation of the" and inserting "operation of".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 658.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 658:

YEAS—38.

NAYS—Evans, Little—2.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 658 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 451, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 31, which is attached to and hereby made a part of this report.

| | |
|---|---|
| GAYLYN J. SPRIGGS | DINA TITUS |
| JOHN L. NORTON | ERNEST E. ADLER |
| SCOTT SCHERER | RONALD V. COOK |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 31.

Amend sec. 6, page 2, by deleting lines 33 and 34 and inserting:

"*(c) Have a monthly income which is at or below $750 or the federally designated level signifying poverty, whichever is greater; and*".

Amend sec. 24, page 11, line 21, by deleting "1992." and inserting "1993.".

Amend sec. 25, page 11, by deleting lines 22 through 27 and inserting:

"Sec. 25. 1. This section and sections 6, 23 and 24 of this act become effective on July 1, 1991.

2. Sections 1 to 4, inclusive, 7, 8 and 10 to 22, inclusive, of this act become effective on October 1, 1991.

3. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1991.

4. Section 5 of this act becomes effective on July 1, 1992.".

Assemblyman Spriggs moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 451.

Remarks by Assemblyman Spriggs.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 192, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 37, which is attached to and hereby made a part of this report.

| | |
|---|---|
| RICK CHARLES BENNETT | JOHN M. VERGIELS |
| BOB L. KERNS | RAYMOND C. SHAFFER |
| VAL Z. GARNER | VIRGIL M. GETTO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 37.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*a forensic laboratory operated by a law enforcement agency or any other location where preliminary examinations of tissues of the human body or human bodily fluids are conducted by personnel of a law enforcement agency.*".

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 192.

Remarks by Assemblyman Bennett.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 416, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

| | |
|---|---|
| GAYLYN J. SPRIGGS | ANN O'CONNELL |
| CHRIS R. GIUNCHIGLIANI | RONALD V. COOK |
| MYRNA T. WILLIAMS | VIRGIL M. GETTO |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Spriggs moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 416.

Remarks by Assemblyman Spriggs.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 535.

The following Senate amendment was read:

Amendment No. 1562.

Amend the bill as a whole by deleting sections 1 through 19 and the text of the repealed section and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 501.181 is hereby amended to read as follows:

501.181 The commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game animals, upland and migratory game birds, fur-bearing animals, game fish, and protected and unprotected animals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife; the entry, access to, and occupancy and use of such property, including leases of grazing rights; sale of agricultural products; and requests by the director to the state land registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(d) The control of nonresident hunters.

(e) The introduction, transplanting or exporting of wildlife.

(f) Cooperation with federal, state and local agencies on wildlife and boating programs.

(g) The hunting, fishing or trapping privileges of any person convicted of two violations within a 5-year period.

4. Establish regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including:

(a) Regular and special seasons for hunting game animals and game birds, for hunting or trapping fur-bearing animals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The

regulations must be established after first considering the recommendations of the department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued to nonresidents for big game and, if necessary, other game species for the regular and special seasons.

5. Adopt regulations requiring the department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations [governing] *:*

*(a) Governing* the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

*(b) Establishing the method for determining the amount of an assessment and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.*

Sec. 2. NRS 502.390 is hereby amended to read as follows:

502.390 1. Any person who develops or maintains an artificial or man-made body of water, other than a body of water maintained for agricultural or recreational purposes, containing chemicals or substances in quantities which, with the normal use of the body of water, causes or will cause the death of any wildlife, must first obtain a permit from the department authorizing the development or maintenance of the body of water.

2. Within 30 working days after receiving an application for a permit, the department shall issue the permit or deny the application and list the reasons for denial. An applicant may appeal the denial of a permit to the commission. A permit may be valid for up to 5 years. The commission may establish a fee for a permit of not more than $100 per year.

3. Upon the transfer of ownership of any artificial or man-made body of water as to which a permit issued pursuant to this section is in force at the time of the transfer, the permit remains in effect for 30 days after the transfer of ownership.

4. *A person holding a permit issued pursuant to this section shall, in addition to the fee for the permit, pay to the department an assessment. The amount of the assessment must be determined pursuant to regulations adopted by the commission. The assessment must be no more than $10,000 per year for each permit.*

*5.* Any person who fails to obtain a permit *or pay an assessment* as required by this section *and the regulations adopted pursuant thereto* or who fails to comply with the provisions of a permit is guilty of a misdemeanor for the first offense and a gross misdemeanor for any subsequent offense.

Sec. 3. Section 10 of chapter 139, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 10. NRS 501.181 is hereby amended to read as follows:

501.181 The commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game [animals,] *mammals,* upland and migratory game birds, fur-bearing [animals,] *mammals,* game fish, and protected and unprotected [animals,] *mammals,* birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife . [; the]

*(d) The* entry, access to, and occupancy and use of such property, including leases of grazing rights [; sale] , *sales* of agricultural products [;] and requests by the director to the state land registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

[(d)] *(e)* The control of nonresident hunters.

[(e)] *(f)* The introduction, transplanting or exporting of wildlife.

[(f)] *(g)* Cooperation with federal, state and local agencies on wildlife and boating programs.

[(g)] *(h)* The hunting, fishing or trapping privileges of any person convicted of two violations *of the provisions of this Title* within a 5-year period.

4. Establish regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including:

(a) Regular and special seasons for hunting game [animals] *mammals* and game birds, for hunting or trapping fur-bearing [animals] *mammals* and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued to nonresidents for big game and, if necessary, other game species for the regular and special seasons.

5. Adopt regulations requiring the department to make public, before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

Sec. 4. This act becomes effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to wildlife; imposing an annual assessment for the development or maintenance of a body of water lethal to wildlife; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes annual assessment for development or maintenance of body of water lethal to wildlife. (BDR 45-1945)".

Assemblyman Callister moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 535.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered transmitted to the Senate.

## GENERAL FILE AND THIRD READING

Senate Bill No. 646.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 646:

YEAS—31.

NAYS—Bayley, Gibbons, Hardy, Heller, Humke, Lambert, Little, McGaughey, Wong—9.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 412, 568, 646, 658 and 660 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:01 p.m.

## ASSEMBLY IN SESSION

At 7:17 p.m.

Mr. Speaker presiding.

Quorum present.

### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 588, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 401, 434, 548.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 557, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 416.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 491.

The following Senate amendment was read:

Amendment No. 1559.

Amend sec. 2, page 1, by deleting line 3 and inserting:

"Sec. 2. *As used in NRS 484.3794 and sections 2.5 to 4, inclusive, of this act:*

*1. "Evaluation center" means a facility which is approved by the department of motor vehicles and public safety to provide an evaluation of an offender to a court in order to determine if the offender is an abuser or problem user of alcohol or another drug.*

*2. "Treatment".*

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. *The department shall adopt by regulation the standards to be used for approving the operation of a facility as an evaluation center for the purposes of NRS 484.3794 and sections 3 and 4 of this act.*".

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"*(a) Require the evaluation of the offender by an evaluation center to determine if he is an abuser or problem user of alcohol or other drugs; and*".

Amend sec. 3, page 1, line 14, after "*ducted*" by inserting: "*at an evaluation center*".

Amend sec. 3, page 1, line 17, by deleting "*or*".

Amend sec. 3, page 1, by deleting line 19 and inserting: "*examiners; or*

*(c) A person who is approved to make that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources,*".

Amend sec. 3, page 1, line 20, by deleting the period and inserting: "*and make a recommendation to the court concerning the length and type of treatment required by the offender.*".

Amend sec. 3, page 2, line 2, by deleting "*section.*" and inserting: "*section, including, but not limited to, the cost of staffing the evaluation center, equipment used at the center and maintaining the center.*".

Amend sec. 4, page 2, by deleting line 5 and inserting: "*the clinical supervision of a treatment facility for treatment for not less than 30 days*".

Amend sec. 4, page 2, line 6, by deleting "*3 years.*" and inserting: "*6 months, in accordance with the report submitted to the court pursuant to subsection 2 of section 3 of this act.*".

Amend sec. 4, page 2, by deleting lines 10 through 12 and inserting:

"*2. The court shall:*

*(a) Require the treatment facility to submit monthly progress reports on the treatment of an offender pursuant to this section; and*".

Amend sec. 4, page 2, line 13, by deleting "*Shall order*" and inserting "*Order*".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *The provisions of sections 2, 3 and 4 of this act do not prohibit a court from:*

*1. Requiring an evaluation pursuant to section 3 of this act to be conducted by an evaluation center that is administered by a private company if the company meets the standards of the department pursuant to section 2.5 of this act; or*

*2. Ordering the offender to attend a program of treatment that administered by a private company.*".

Amend sec. 5, page 2, line 45, by deleting "*court shall:*" and inserting "*court:*".

Amend sec. 5, page 2, line 46, by deleting "*Sentence*" and inserting "*Shall sentence*".

Amend sec. 5, page 2, by deleting line 48 and inserting: "[and] *; or*".

Amend sec. 5, page 3, line 3, by deleting "*or*".

Amend sec. 5, page 3, by deleting lines 4 through 6 and inserting:

"*(2) Shall* fine him not less than $500 nor more than $1,000 [.] *; and*

*(3) May order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of section 4 of this act.*".

Amend sec. 5, page 4, line 1, after "(a)" by inserting "or (b)".

Amend sec. 5, page 4, line 12, after "7." by inserting: "If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8.".

Amend sec. 9, page 6, line 23, by deleting "12:01" and inserting "12:02".

Amend the title of the act to read as follows:

"An Act relating to traffic laws; revising the penalties for driving under the influence of intoxicating liquor or a controlled substance; requiring an assessment of a person convicted of such an offense to determine if he is an abuser of alcohol or another drug; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 491.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

## REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 611, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 39, which is attached to and hereby made a part of this report.

| | |
|---|---|
| JAN EVANS | RAYMOND D. RAWSON |
| ROBERT E. PRICE | BOB COFFIN |
| PHIL STOUT | DIANA M. GLOMB |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 39.

Amend sec. 44, page 26, line 22, after "(f)" by inserting: "Study public and private programs for the adoption of children and the demand for and success of such programs.

(g)".

Assemblyman Evans moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 611.

Remarks by Assemblyman Evans.

Motion carried.

## CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 557.

The following Senate amendment was read:

Amendment No. 1602.

Amend the bill as a whole by deleting sections 2 through 4 and inserting:

"Secs. 2-4. (Deleted by amendment.)".

Amend sec. 5, page 2, line 14, by deleting: "*and sections 2 and 3 of this act,*".

Amend sec. 6, page 2, line 27, after "482.381" by inserting: "or section 1 of [this act] *chapter 114, Statutes of Nevada 1991,*".

Amend sec. 7, page 3, line 5, by deleting "[15] *20*" and inserting "15".

Amend sec. 13, page 5, line 36, by deleting "*$20.*" and inserting "*$15.*".

Amend sec. 14, page 6, by deleting line 6 and inserting: "additional fee *of $35* for *the issuance of* [these] *those* plates. *The annual fee for a renewal sticker is $15.*".

Amend sec. 15, page 6, line 41, by deleting "$25," and inserting "[$25,] *$35,*".

Amend sec. 15, page 6, line 45, by deleting "*$5.*" and inserting "*$15.*".

Amend sec. 18, page 10, line 4, by deleting "*$15*" and inserting "*$35*".

Amend sec. 18, page 10, line 5, by deleting "*5*" and inserting "*15*".

Amend sec. 19, page 10, line 32, by deleting "*$15*" and inserting "*$35*".

Amend sec. 19, page 10, line 33, by deleting "*5*" and inserting "*15*".

Amend sec. 20, page 11, line 7, by deleting "*$20.*" and inserting "*$15.*".

Amend sec. 21, page 11, line 29, by deleting "*$20.*" and inserting "*$15.*".

Amend sec. 22, pages 11 and 12, by deleting lines 30 through 48 on page 11 and lines 1 through 43 on page 12, and inserting:

"Sec. 22. (Deleted by amendment.)".

Amend sec. 23, page 12, line 45, by deleting "*otherwise*" and inserting "otherwise".

Amend sec. 23, page 13, line 9, by deleting "482.380." and inserting: "482.380 or section 1 of [this act.] *chapter 114, Statutes of Nevada 1991.*".

Amend sec. 23, page 13, line 14, by deleting: "*and sections 2, 3 and 4 of this act,*".

Amend sec. 24, pages 13 and 14, by deleting lines 35 through 47 on page 13 and lines 1 through 14 on page 14, and inserting:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who qualifies pursuant to this section may register one passenger car or light commercial vehicle having a manufacturer's rated carrying capacity of 1 ton or less, for his own personal use. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to a specially designed license plate which indicates that he is a recipient of the Purple Heart.

2. The department shall issue a specially designed license plate for any person qualified pursuant to this section who submits an application on a

form prescribed by the department and evidence of his status as a recipient of the Purple Heart as required by the department. The department may designate any appropriate colors for the special plates.

3. If, during a registration year, the holder of a special plate issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, he shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the department.

4. The fee for the special license plate is [$25,] *$35,* in addition to all other applicable registration and license fees and motor vehicle privilege taxes. *The annual fee for a renewal sticker is $15.* If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the department for a fee of [$2.] *$5.*".

Amend sec. 25, pages 14 and 15, by deleting lines 15 through 47 on page 14 and lines 1 through 6 on page 15, and inserting:

"Sec. 25. Section 1 of chapter 114, Statutes of Nevada 1991, is hereby amended to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a motor vehicle who is a resident of this state and is a member of the Nevada Wing of the Civil Air Patrol may, upon application on a form prescribed and furnished by the department, signed by the member and his commanding officer and accompanied by proof of membership, be issued license plates upon which is inscribed CIVIL AIR PATROL with four consecutive numbers. The fee for the special license plates is [$5,] *$35,* in addition to all other applicable registration and license fees and motor vehicle privilege taxes. *The annual fee for a renewal sticker is $15.*

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada Wing of the Civil Air Patrol who retires or is honorably discharged may retain any license plates issued to him pursuant to subsection 1. If a member is dishonorably discharged, he shall surrender any of these special plates in his possession to the department at least 10 days before his discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.".

Amend sec. 26, pages 15 and 16, by deleting lines 7 through 48 on page 15 and lines 1 through 33 on page 16, and inserting:

"Sec. 26. (Deleted by amendment.)".

Amend sec. 28, page 16, line 35, by deleting: "July 1, 1991." and inserting: "January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; revising the fees for special license plates; and providing other matters properly relating thereto.".

Assemblyman Spitler moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 557.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 588 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 588.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 588:

YEAS—27.

NAYS—Bayley, Gibbons, Hardy, Heller, Humke, Johnson, Kerns, Lambert, Little, Scherer, Spriggs, Stout—12.

Absent—Bergevin, Pettyjohn—2.

Not voting—Spitler.

Senate Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 652 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 654 be re-referred to the Committee on Ways and Means.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 828.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 559, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 535 and requests a conference, and appointed Senators Horn, Raggio and Coffin as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 45.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Callister, Porter and Marvel as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 535.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:51 p.m.

## ASSEMBLY IN SESSION

At 8:41 p.m.

Mr. Speaker presiding.

Quorum present.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 559.

The following Senate amendment was read:

Amendment No. 1607.

Amend sec. 2, page 1, by deleting lines 11 through 14 and inserting:

"Sec. 2. This act becomes effective on July 1, 1991.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 559.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

### RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Callister moved that the Assembly do not recede from its action on Senate Bill No. 45, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Callister.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Callister, Marvel and Dini as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 45.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MATTHEW Q. CALLISTER, *Chairman*

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 536, 546.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 440, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 630.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 57, 247.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 611.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Functions and Elections:

Assembly Concurrent Resolution No. 106—Requiring the legislature to pay from the legislative fund the premiums for insurance for the month of July 1991, for certain temporary employees of the legislature and the legislative counsel bureau.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the legislature shall pay from the legislative fund the premiums for insurance for the month of July 1991, for the temporary employees of the legislature and the legislative counsel bureau who were employed during at least one of the last three legislative days of the 1991 legislative session.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

## INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 830—An Act making appropriations to various local governments from the emergency fund of the supplemental city-county relief tax; and providing other matters properly relating thereto.

Assemblyman Callister moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Callister.

Motion carried unanimously.

## UNFINISHED BUSINESS

### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 440.

The following Senate amendment was read:

Amendment No. 1545.

Amend section 1, page 1, line 2, by deleting "$203,301" and inserting "$245,937".

Amend section 1, page 1, between lines 9 and 10 by inserting:

"4. To remodel the facilities of the department of motor vehicles and public safety, the sum of $42,636.".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 440.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

## GENERAL FILE AND THIRD READING

Assembly Bill No. 830.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Assembly Bill No. 830:

YEAS—38.

NAYS—Gibbons, Johnson—2.

Absent—Bergevin, Pettyjohn—2.

Assembly Bill No. 830 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 657 be placed on the General File.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 830; Senate Bill No. 588 and Assembly Concurrent Resolution No. 106 be immediately transmitted to the Senate.

Motion carried unanimously.

## GENERAL FILE AND THIRD READING

Senate Bill No. 657.

Bill read third time.

Remarks by Assemblymen Callister and Freeman.

Roll call on Senate Bill No. 657:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 657 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 495 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 495.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1611.

Amend section 1, page 1, lines 2 and 3, by deleting: "general obligation bonds" and inserting: "revenue bonds or other securities constituting special obligations payable from net revenues, excluding the proceeds of any general ad valorem property taxes, which are secured by a pledge of and lien on such net revenues,".

Amend section 1, page 1, line 8, by deleting "general obligation".

Amend section 1, page 1, line 9, after "bonds" by inserting: "or other securities".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. The governing bodies of Clark County and the cities of Henderson and Boulder City may each issue pursuant to the Local Government Securities Law, in an amount sufficient to satisfy the respective liability of each local government for the repayment of the money advanced pursuant to subsection 4 of section 1 of this act pursuant to the agreement entered into by those local governments, revenue bonds and other securities constituting special obligations payable from net revenues, excluding the proceeds of any general ad valorem property taxes, which are secured by a pledge of and lien on such net revenues.".

Assemblyman Callister moved the adoption of the amendment.

Remarks by Assemblyman Callister.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 8:58 p.m.

ASSEMBLY IN SESSION

At 9:21 p.m.

Mr. Speaker presiding.

Quorum present.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 661, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 557 and requests a conference, and appointed Senators Hickey, Jacobsen and Rhoads as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horn, Raggio and Rawson as a first Committee on Conference concerning Senate Bill No. 45.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 630.

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

Motion carried.

## UNFINISHED BUSINESS

### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Senate Bill No. 45, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 40, which is attached to and hereby made a part of this report.

MATTHEW Q. CALLISTER
JOSEPH E. DINI, JR.
JOHN W. MARVEL
*Assembly Committee on Conference*

NICHOLAS J. HORN
WILLIAM J. RAGGIO
RAYMOND D. RAWSON
*Senate Committee on Conference*

Conference Amendment No. 40.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 5 through 7 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 2.070 is hereby amended to read as follows:

2.070 1. If a justice of the supreme court at the time of his death had retired and was then receiving a pension under the provisions of NRS 2.060, or if at the time of his death the justice had not retired but had performed sufficient service for retirement under the provisions of NRS 2.060, the surviving spouse, if the spouse has attained the age of 60 years, is entitled, until his death or remarriage, to receive *monthly* payments of [$1,300] *$2,000* per month.

2. If a surviving spouse of a justice is not eligible to receive benefits pursuant to subsection 1, he is entitled, until his death or remarriage or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of NRS 286.674 for the spouse of a deceased member of the public employees' retirement system.

3. To obtain these benefits, the surviving spouse must make application to the board, commission or authority entrusted with the administration of

the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

4. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made under the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to justices of the supreme court.

Sec. 2. NRS 3.095 is hereby amended to read as follows:

3.095 1. If a district judge at the time of his death had retired and was then receiving a pension under the provisions of NRS 3.090, or if at the time of his death the judge had not retired but had performed sufficient service for retirement under the provisions of NRS 3.090, the surviving spouse, if the spouse has attained the age of 60 years, is entitled, until his death or remarriage, to receive *monthly* payments of [$1,300] *$2,000* per month.

2. If a surviving spouse of a judge is not eligible to receive benefits pursuant to subsection 1, he is entitled, until his death or remarriage or until he becomes eligible to receive those benefits, to receive payments equal in amount to the payment provided in subsection 1 of NRS 286.674 for the spouse of a deceased member of the public employees' retirement system.

3. To obtain these benefits, the surviving spouse must make application to the board, commission or authority entrusted with the administration of the judges' pensions and furnish such information as may be required pursuant to reasonable regulations adopted for the purpose of carrying out the intent of this section.

4. It is the intent of this section that no special fund be created for the purpose of paying these benefits, and all payments made under the provisions of this section are to be made out of and charged to any fund created for the purpose of paying pension benefits to district judges.

Sec. 3. Any surviving spouse of a former judge or justice who, on July 1, 1991, is receiving a benefit pursuant to NRS 2.070 or 3.095 is automatically entitled to receive the increased payments provided in this act beginning on that date.

Sec. 4. 1. There is hereby appropriated from the state general fund to the supreme court for the support of the pensions of justices, judges and widows:

For the fiscal year 1991-92 ..... $84,773
For the fiscal year 1992-93 ..... $84,832

2. Any balance of the sums appropriated by subsection 1 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.".

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

Amend sec. 3, page 1, by deleting line 9 and inserting:

"Sec. 7. 1. This section and sections 5 and 6 of this act become effective on June 30, 1991.

2. Sections 1 to 4, inclusive, of this act become effective on July 1, 1991.".

Amend the title of the bill to read as follows:

"An Act relating to the judiciary; increasing the amount of benefits for the surviving spouse of a justice of the supreme court or district judge; making an appropriation for the support of certain related pensions; making an appropriation for matters related to the relocation of the supreme court, the supreme court law library and the administrative office of the courts; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes certain appropriations related to supreme court of Nevada and benefits for surviving spouses of justices and district judges. (BDR S-966)".

Assemblyman Callister moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 45.

Remarks by Assemblyman Callister.

Motion carried.

### APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Gregory and Krenzer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 557.

### MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 495 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

### GENERAL FILE AND THIRD READING

Senate Bill No. 495.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 495:

YEAS—36.

NAYS—Evans, Johnson, Petrak, Porter—4.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

### UNFINISHED BUSINESS

#### CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 661.

The following Senate amendment was read:

Amendment No. 1612.

Amend section 1, page 1, line 1, by deleting "There" and inserting "1. There".

Amend section 1, page 1, line 2, by deleting "$225,000" and inserting "$100,000".

Amend section 1, page 1, between lines 3 and 4 by inserting:

"2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after completion of the project and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, by deleting lines 4 through 7 and inserting:

"Sec. 2. 1. There is hereby appropriated from the state general fund to Washoe County the sum of $100,000 for activities and facilities at the Washoe County Fair Grounds.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1993, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows:

"An Act making appropriations to Clark and Washoe counties for fairgrounds located in those counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriations to Clark and Washoe counties for fairgrounds. (BDR S-1661)".

Assemblyman Callister moved that the Assembly concur in the Senate amendment to Assembly Bill No. 661.

Remarks by Assemblyman Callister.

Motion carried.

Bill ordered enrolled.

## MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 495 and 657 be immediately transmitted to the Senate.

Motion carried unanimously.

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

Assembly in recess at 9:36 p.m.

## ASSEMBLY IN SESSION

At 10:33 p.m.

Mr. Speaker presiding.

Quorum present.

## REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Ways and Means, to which was referred Senate Bill No. 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MATTHEW Q. CALLISTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 630 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 630.

Bill read third time.

Remarks by Assemblyman Callister.

Roll call on Senate Bill No. 630:

YEAS—40.

NAYS—None.

Absent—Bergevin, Pettyjohn—2.

Senate Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 535, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 42, which is attached to and hereby made a part of this report.

MATTHEW Q. CALLISTER
GENE T. PORTER
JOHN W. MARVEL
*Assembly Committee on Conference*

NICHOLAS J. HORN
BOB COFFIN
*Senate Committee on Conference*

Conference Amendment No. 42.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Any gun, ammunition, trap, snare, vessel, vehicle, aircraft or other device or equipment used, or intended for use:*

*(a) To facilitate the unlawful and intentional killing or possession of any big game animal; or*

*(b) Knowingly to transport, sell, receive, acquire or purchase any big game animal which is unlawfully killed or possessed,*

*is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive.*

*2. As used in this section, "big game animal" means any animal so classified by regulation of the commission.".*

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding new sections designated sections 3 through 6, following section 1, to read as follows:

"Sec. 3. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and [NRS] 488.1793;

(c) Remittances from the state treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the legislature; and

(e) All other sources, *except money derived from the forfeiture of any property described in section 1 of this act,*

must be deposited with the state treasurer for credit to the wildlife account in the state general fund.

2. The interest and income earned on the money in the wildlife account, after deducting any applicable charges, must be credited to the account.

3. The department may use money in the wildlife account only to carry out the provisions of this Title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

Sec. 4. NRS 501.375 is hereby amended to read as follows:

501.375 1. Every game warden throughout the state, and every sheriff and constable in his respective county shall enforce this Title and seize any wildlife taken or held in possession in violation of this Title.

2. Such an officer may:

(a) With or without a warrant, conduct a reasonable search of any camp, structure, aircraft, vessel, vehicle, box, game bag or other package where he has reason to believe any wildlife taken or held in violation of any of the provisions of this Title is to be found, and, for the purpose of such a search, may detain any aircraft, vessel or vehicle for a reasonable time.

(b) Seize [, and hold only for evidence,] any such wildlife and any gun, ammunition, trap, snare, tackle, or other device or equipment whose presence indicates that a violation of this Title has occurred. *Except for property described in section 1 of this act, property seized pursuant to this subsection may be held only for evidence and must be returned when no longer needed for that purpose.*

3. A dwelling house may be searched only [in pursuance of] *pursuant to* a warrant.

Sec. 5. NRS 501.376 is hereby amended to read as follows:

501.376 [1.] Any person who unlawfully kills or possesses a bighorn sheep, mountain goat, elk, deer, pronghorn antelope, mountain lion or black bear without a valid tag is guilty of a gross misdemeanor. This [subsection] *section* does not prohibit the killing of such an animal if necessary to protect the life or property of any person in imminent danger of being attacked by such an animal.

[2. Any vessel, vehicle, aircraft or other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring or purchasing of wildlife in violation of subsection 1 for which a gross misdemeanor conviction is obtained is subject to forfeiture to the state if:

(a) The owner of the vessel, vehicle, aircraft or equipment was at the time of the violation a consenting party or privy thereto, or in the exercise of due care, should have known that such vessel, vehicle, aircraft or other equipment would be used in violation of subsection 1; and

(b) The violation involved the:

(1) Intent to sell or purchase wildlife;

(2) Offer to sell or purchase wildlife; or

(3) Sale or purchase of wildlife.]

Sec. 6. NRS 501.389 is hereby amended to read as follows:

501.389 1. [Equipment seized] *Except for property described in section 1 of this act, equipment:*

*(a) Seized* as evidence in accordance with NRS 501.375 *;* and [not]

*(b) Not* recovered by the owner within 1 year from the date of seizure , [or equipment ordered confiscated by a court of competent jurisdiction] becomes the property of the department.

2. The department of wildlife must either sell such equipment in accordance with the regulations adopted pursuant to subsection 5 of NRS 333.220 or retain such equipment for authorized use by the department. All money received from such sales must be deposited with the state treasurer for credit to the wildlife account in the state general fund.

3. Any person of lawful age and lawfully entitled to reside in the United States may purchase the equipment, whether a prior owner or not.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 13 and 14 and adding new sections designated sections 8 through 12, following sec. 2, to read as follows:

"Sec. 8. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760 or 453.301 [.] *, or section 1 of this act.*

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge or consent of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that he had good cause not to evict the tenant summarily pursuant to NRS 40.254,

the owner of real property or a mobile home used or intended for use by a

tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired his interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 9. NRS 179.1187 is hereby amended to read as follows:

179.1187 1. The governing body controlling each law enforcement agency that receives proceeds from the sale of forfeited property shall establish with the state treasurer, county treasurer, city treasurer or town treasurer, as custodian, a special account, known as the "..... forfeiture account." The account is a separate and continuing account and no money in it reverts to the state general fund or the general fund of the county, city or town at any time. For the purposes of this subsection, the governing body controlling a metropolitan police department is the metropolitan police committee on fiscal affairs.

2. The money in the account may be used for any lawful purpose deemed appropriate by the chief administrative officer of the law enforcement agency, except that:

(a) The money must not be used to pay the ordinary operating expenses of the agency.

(b) Money derived from the forfeiture of any property described in NRS 453.301 must be used to enforce the provisions of chapter 453 of NRS.

*(c) Money derived from the forfeiture of any property described in section 1 of this act must be used to enforce the provisions of Title 45 of NRS.*

Sec. 10. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, robbery, kidnaping, burglary, invasion of the home, grand larceny or pandering, or a violation of NRS 200.465, 202.265, 202.287 or 465.070 to 465.085, inclusive, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 [,] *or section 1 of this act,* all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent; and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

No person, other than the holder of a community property interest, whose name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.

Sec. 11. Section 3 of chapter 123, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 3. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760 or 453.301, or section 1 of [this act.] *Assembly Bill No. 535 of this session.*

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge , [or] consent *or willful blindness* of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that he had good cause not to evict the tenant summarily pursuant to NRS 40.254,

the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired his interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 12. Section 4 of chapter 123, Statutes of Nevada 1991, is hereby amended to read as follows:

Sec. 4. NRS 179.121 is hereby amended to read as follows:

179.121 1. All personal property, including any tool, substance, weapon, machine, money or security, which is used as an instrumentality in the commission of or attempted commission of the crime of murder, rob-

bery, kidnaping, burglary, invasion of the home, grand larceny or pandering, or a violation of NRS 200.465, 202.265, 202.287 or 465.070 to 465.085, inclusive, is subject to forfeiture.

2. Except as otherwise provided for conveyances forfeitable pursuant to NRS 453.301 or section 1 of [this act,] *Assembly Bill No. 535 of this session,* all conveyances, including aircraft, vehicles or vessels, which are used or intended for use during the commission of a felony or a violation of NRS 202.287 or 465.070 to 465.085, inclusive, are subject to forfeiture except that:

(a) A conveyance used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to the felony or such violation;

(b) A conveyance is not subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge [or consent;] , *consent or willful blindness;* and

(c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the felony. If a conveyance is forfeited the appropriate law enforcement agency may pay the existing balance and retain the conveyance for official use.

[No person, other than the holder of a community property interest, whose name or interest does not appear on the certificate of registration or title for the conveyance is a proper party to any forfeiture proceeding pursuant to this subsection.]".

Amend the title of the bill, first line, after "wildlife;" by inserting: "imposing additional penalties for the unlawful killing or possession of wildlife;".

Assemblyman Callister moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 535.

Remarks by Assemblyman Callister.

Motion carried.

*Mr. Speaker:*

The first Committee on Conference concerning Assembly Bill No. 557, consisting of the undersigned members, has met, and reports that:

No decision was reached.

| | |
|---|---|
| BERNIE ANDERSON | THOMAS J. HICKEY |
| WILLIAM DAVID GREGORY | DEAN A. RHOADS |
| SAUNDRA KRENZER | LAWRENCE E. JACOBSEN |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 557.

Remarks by Assemblymen Anderson and Spitler.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Spitler, Goetting and Elliott as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 557.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 630 be immediately transmitted to the Senate.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 529.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 829, 830.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 535.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 106.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 495, 657.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 413.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Horn, Raggio and Rawson as a first Committee on Conference concerning Senate Bill No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 45.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman McGinness moved that the Assembly recede from its action on Senate Bill No. 413.

Remarks by Assemblyman McGinness.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 557 and requests a second conference, and appointed Senators Nevin, Glomb and O'Donnell as a

second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 557.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

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

Assembly in recess at 11:11 p.m.

## ASSEMBLY IN SESSION

At 11:32 p.m.
Mr. Speaker presiding.
Quorum present.

### UNFINISHED BUSINESS

#### REPORTS OF CONFERENCE COMMITTEES

*Mr. Speaker:*

The second Committee on Conference concerning Assembly Bill No. 557, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 43, which is attached to and hereby made a part of this report.

| | |
|---|---|
| LARRY L. SPITLER | LEONARD V. NEVIN |
| BRADLEY I. GOETTING | DIANA M. GLOMB |
| JOE ELLIOTT | WILLIAM R. O'DONNELL |
| *Assembly Committee on Conference* | *Senate Committee on Conference* |

Conference Amendment No. 43.

Amend sec. 5, page 1, by deleting lines 4 through 8 and inserting:

"Sec. 5. *The fee for a license plate or set of plates issued pursuant to NRS 482.370 to 482.374, inclusive, is $5, in addition to all other applicable registration and license fees and motor vehicle privilege taxes.*".

Amend sec. 6, page 1, by deleting line 17 and inserting: "or section 1 of chapter 114, Statutes of Nevada 1991, are lost".

Amend sec. 7, page 2, line 15, by deleting "15" and inserting "[15] *20*".

Amend sec. 13, page 4, line 46, by deleting "*$15.*" and inserting "*$20.*".

Amend sec. 14, page 5, by deleting lines 17 and 18 and inserting: "additional fee *of $5* for *the issuance of* [these] *those* plates.".

Amend sec. 15, page 6, line 6, by deleting "[$25,] *$35,*" and inserting "$25,".

Amend sec. 15, page 6, line 11, by deleting "*$15.*" and inserting "*$5.*".

Amend sec. 18, page 9, line 15, by deleting "*$35*" and inserting "*$15*".

Amend sec. 18, page 9, line 16, by deleting "*15*" and inserting "*5*".

Amend sec. 19, page 9, line 43, by deleting "*$35*" and inserting "*$15*".

Amend sec. 19, page 9, line 44, by deleting "*15*" and inserting "*5*".

Amend sec. 20, page 10, line 17, by deleting "*$15.*" and inserting "*$20.*".

Amend sec. 21, page 10, line 39, by deleting "*$15.*" and inserting "*$20.*".

Amend sec. 23, page 11, by deleting lines 6 and 7 and inserting: "482.375, 482.376, 482.378 or 482.380 or section 1 of chapter 114, Statutes of Nevada 1991. A fee must not be charged for a duplicate plate".

Assemblyman Spitler moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No. 557.

Remarks by Assemblyman Spitler.

Motion carried.

## MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1991

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 557.

MARY JO MONGELLI
*Assistant Secretary of the Senate*

## UNFINISHED BUSINESS

### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 82, 103, 130, 194, 229, 255, 258, 268, 286, 290, 295, 301, 386, 414, 442, 443, 471, 513, 514, 517, 560, 580, 586, 619, 664, 678, 685, 708, 728, 779, 783, 786, 790, 805, 812, 815, 818, 826; Senate Bills Nos. 35, 552, 554, 646, 650, 653, 655, 658.

## REMARKS FROM THE FLOOR

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Mr. Speaker and colleagues, this morning it came to my attention that one of our newspapers had issued a report card and, of course, being the proponent of open government and open information that I am, I decided to investigate. They said, from what I have been told, that 14 opinions were sought, three were lobbyists and the rest were legislators so I determined to find out who they were. The three lobbyists I found out, one was the representative of the plant survival group, one was the representative of the Mormon Cricket endangered group, one was the representative of the Society of the Preservation of Speed Metal Music. Of the legislators represented, one was from the planet of Mars, one was from Venus, one was from Saturn, one was an earthling, that was Merlin, one was from Pluto, one was from Mercury and then they had four members of lunar colonies who were demanding their fair share.

Since in this body we act on peer review as any other professional group does, we had a little report card made out. The report card is for Gene T. Porter, "The Champ," Sixty-sixth Session, attendance 161 days and still counting. Subject, no grandstanding—"A"; no posturing—"A"; grace under pressure—"A"; peacemaker—"A"; pizza man and he delivers—"A"; keen negotiating abilities—"A"; pacesetter—"A"; public deportment—"A"; citizenship—"A"; and, leader of the pack—"A". We want to present this to our Majority Leader, Mr. Porter.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. Thank you is not enough. I appreciate that. I spoke to my wife this morning and she read my report card to me over the phone and I guess I got a "C," but I have always been an average kind of guy, Mr. Speaker. I guess I'm still an average kind of guy but that is okay. As long as this is the last day, this means a lot to me Myrna, thanks. When we started January 21st, I was new to this role. You had selected me, Mr.

Speaker, for this task. It turned out to be the challenging one. I appreciate the guidance that you have given me and especially the staff down front and all the work that Carol did trying to teach me this job. It's kind of like being a large traffic cop, if you haven't noticed that. From me to all the members of this house, thank you, for supporting my procedural motions, except for a few times. Thank you, for giving me the support and understanding the new role that I had to try to adjust to. I hope I have honored your selection, Mr. Speaker, and I appreciate the confidence that you instilled in me and if I did anything to bring the session to a close or benefit the people of the State of Nevada, then I have done my job. Thank you, very much.

ASSEMBLYMAN CALLISTER:

Thank you, Mr. Speaker. Under Order of Business 15 also, I would be remiss if I didn't take a moment to extend my appreciation to our Majority Leader and to echo the comments that he made to me a few days ago in the hall. At this time I'd suggest them in a more serious vein, yes indeed, Mr. Porter, you have come a long way from High Park Junior High and the principal's office.

MR. SPEAKER:

Under the same order of business. Gene, we started out the year with practically a half-way new team here, a lot of new leaders, lot of new people and I think it has been a remarkable session. We had a few ups and downs and I know it was your cooperation, your hard work and being able to develop consensus that really helped us to get to the bottom of this thing, and get us here, which we hope today is the last day.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN KERNS:

It's going to cost $100 to file for office now and that for sure will stop me from coming back and joining you good people two years from now. I'm sure that I will see most of these shining faces here a couple of years from now, so I won't have to say goodbye because I can come see you again then, but for those who are lucky enough to join me in not coming back, it's really been a pleasure working with all of you and it's been an interesting 10 years. I certainly have no regrets and I just want to say it's been great being part of this organization and I really feel I've been lucky to have a second career and to be able to be involved in everything that goes on in this state. I think it's been well worthwhile and I've really enjoyed doing it and I want to let you all know that I've really appreciated working with all of you. There are a couple I might have yelled at a time or two. And, some of you have yelled at me! But, I just want to say that it has been a real pleasure and it's been a real highlight in my life—the 10 years that I've spent here in this state legislature. I want to thank all of you for a lot of good times and good memories and a lot of unusual experiences. Thank you.

ASSEMBLYMAN SADER:

Mr. Speaker, Bob Kerns knows he's retiring, but how about all of us who will probably be retiring but just don't know it yet?

MR. SPEAKER:

That is a possibility, Mr. Sader, but I've known Bob since my first session when he was lobbying for the firefighters, then he became a legislator and he quit making money at his job, but it has been great serving with Bob all these years. You've done an excellent job, Bob, and the state can't thank you enough for the excellent job that you've done. We might have fought a few times, but not very often. You've done a wonderful job and we're going to miss you in these chambers.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Well, I'll take this opportunity to say a few words. We have a bulldog and I guess the fond name for Mr. Kerns is also a "Bulldog" and he was out there growling with "Truman" the other day and I didn't know which one was doing which!

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker, I would be remiss if I didn't say a few words about Bob Kerns. We served together for eight years. He and I have been known to go ballistic, together and separately and for those people from southern Nevada, we owe him a debt of gratitude. Children in the special children's clinic, because he and I took a little tour of the special children's clinic where it used to be and both of us went crazy. When you go down to southern Nevada now and you see the beautiful, new, well-equipped therapeutic setting for these children, Bob Kerns had a great deal to do with it and I personally want to thank him for it.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker, it's with reluctance that I say goodbye to Bob. I have very fond memories of the 1989 session, because in 1989 Bob was on Ways and Means. The chairman at that time, Marvin Sedway, for those of you who don't know, was even wilder and woolier than our current chairman of Ways and Means. But, Bob Kerns could match him. I think they were equals in many ways. Bob, we missed your presence on Ways and Means this year. Another closely-guarded secret that I should tell you is not only will Bob be missed in the legislature, but also as part of our Washoe delegation because in off-season, if you will, the time between legislative sessions, our delegation does meet a number of times on local issues, and that will be another void that will be painful to us. But, Bob, it has been great serving with you and I know that you're going to have more time now to use that marvelous talent you have. If any of you have not yet seen Mr. Kern's wonderful wood carvings, he is a very talented artist. Good Luck, Bob.

ASSEMBLYMAN SPRIGGS:

Thank you, Mr. Speaker. Bob has always been special to me. When I was a freshman in 1985, I was assigned to him and he was supposed to keep me in line and teach me the ropes and he did a great job. He really helped me out and I really appreciated it. He kept me from falling in a lot of holes. He also keeps my grandchildren supplied with baseball cards and the things that they need and I've really appreciated working with you all this time, Bob.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in total support of Mr. Kerns' retirement. For those of you who are freshmen and especially those of you who are from the opposition party who may hate me for one reason or another, you can probably thank the man who is retiring today for everything that I am. For the past two terms, I have occupied the seat now held by the distinguished chairman of Education. Mr. Kerns still has the seat that he had when I first came here in 1987. Lenny Nevin sat right here and Jack Jeffrey was in my seat and as all this is winding down, you're probably just as lost as I was in those days and the only guy who ever told me what was going on was Bob Kerns. All of a sudden, my caucus would break and I would turn to Bob and I'd say, "What are we doing?" He'd say, "You guys are going to talk about this," or "You guys are going to talk about that," because Jeffrey never told me what we were going to talk about until I got in the room, but Bob always knew ahead of time. I never understood the motions and why we were doing this and why were we doing that and Bob would take the time to explain it to me. After we adjourned *sine die* the first session, we went over to the Corner Bar, I think, and we had a beer together and he gave me a hug and the only Republican to call me after I won in 1989 was Bob Kerns. Every time I've had guests come over or something, especially my mother, who is in love with Bob Kerns—terribly, asks me about him every time she calls, but he was gracious to all my guests and the one man who taught me all the ropes around here didn't even come from my own party. It came from the man who is retiring. And, I'll never forget you, sir, I really appreciate it. Thanks.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. In following that up, for the past four sessions Bob has attempted to teach me the ropes. He's yelled at me probably every day and I don't know if

I've learned anything or not. According to the Review Journal today I probably haven't. But anyway, Bob, I wish you well in your retirement and you've still got to drop one of those ducks by and maybe we'll see you back here next session.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. Well as the current freshman sitting next to Bob and being educated by him, I do want to stand and say how glad I am that he's not coming back. When we had the teachers here that day I was thinking to ask Mr. Speaker to move my seat. I felt like a kid who's had their pigtails dipped in the ink well all session. But, I honestly do want to say thank you to Bob. He certainly did teach me a lot. I'd turn to Mr. Bennett and he wouldn't know what to do and I'd go to Mr. Kerns and he always knew what to do. He, too, commented on the caucuses. He would lean over and say "You're having another stupid caucus where you're not going to talk about anything." I am sincerely going to miss him.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, would like to say a few words about Bob "Backdraft" Kerns. Bob and I started in the same year, 1983, and therefore I have a special fondness for him. I have a lot of memories over the years. I have a memory of him in that first year, 1983, when we all sent out newsletters during the session. It was our secret weapon, I guess. His had a picture of himself with an expression not unlike the one he is currently wearing. The caption said, "Too many bills." Bob didn't have any bills that he introduced that year. I think he didn't have any bills until perhaps last session. That might have been his first year. So, that's a lesson to all of us. You can be successful without having a lot of bills, Mr. Callister. Bob, also, I think, has taught us a lesson. He is probably one of the most dangerous legislators in America. That is true because he came here with 16 years lobbying experience, and I think that helps him to be on a constant "busman's holiday" to help out people like the Majority Leader just as a freebie. All that experience pays off. I also remember going way back to '83 when we had a year somewhat similar to this year when our party was the majority party; in fact, I think we only had 19 that year, and as a practical matter, we won on a whole lot more issues than we even did this year. Bob was responsible for going and finding 3, 4 or 5 votes and we even had some surplus and Bob worked it real well. We had a lot of battles together. It has been a lot of fun. I'm going to miss you.

ASSEMBLYMAN GOETTING:

Thank you, Mr. Speaker. Well, Chief, guess I'm going to have to carry on the torch since you won't be here. You have an axe for me? Maybe a fire extinguisher—that's probably what I'll need. I really appreciate the advice that you gave me. "Speak from your heart and you won't go wrong." I think that's very good advice. The firefighters throughout this state are going to miss your presence here and so will I.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I also rise in favor of Mr. Kerns. Mr. Kerns has been here the three sessions that I've been here and I've really enjoyed him. He's outspoken and my kind of guy. I've really enjoyed being on the Natural Resources and Agriculture Committee with him this year. To my way of thinking, we did a few good things. Some others might not think that. Anyway, Bob, I have enjoyed serving with you and next time you'll probably be back here lobbying and get the big bucks. But, Mr. Speaker, I think this is a great deal that we've done for Mr. Bergevin and Mr. Kerns because, to my knowledge most of the time we just do this after they die, so we're glad to be able to do it now.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I hope that Mr. Kerns and Mr. Bergevin don't have to die before anyone says things nice about them. I have to tell you that I've had a similar experience that Mrs. Spriggs has had. She may have been assigned to him or him to her. I don't know if anyone assigned Bob Kerns to me, but he's taken me on all year long, too. Watching after the things that take place in Government Affairs. I want to express to him my appreciation for his support in Government Affairs. He did an outstanding job, and also while I'm on my feet, I also want to thank Mr. Bergevin for the help that he gave too.

I have been in Bob's home. He and his gracious wife invited us there and I envy him retiring and going on to bigger and better things like carving, fishing and hunting and those kinds of things. I just wish you the best of luck. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I, too, am going to miss Bob Kerns. He's one of those rare politicians who doesn't mince words on anything. He certainly made our caucuses lively. Although, Mrs. Krenzer, he had the same opinion of our caucuses that he had of yours.

ASSEMBLYMAN MARVEL:

Bob, I was here a couple of sessions before you and I am going to miss you, but I particularly missed you on Ways and Means this year. Bob used to sit in front of me and I used to watch the back of his neck and I could tell how Bob was reacting because when it got up to boiling, you knew he was going to come unglued. It's really been a pleasure working with you, Bob, and I certainly want to wish you well.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. Mr. Humke said that one or two years that Mr. Kerns didn't introduce any legislation. Well, I had talked to Bob Kerns about that and he said, "No, I didn't introduce any legislation, but I sure killed a lot of bills." That was good. I've been listening to him and he's given me a lot of advice on how to think on different things and I think every firefighter in the state of Nevada owes this man a debt of gratitude because he's the one that helped them in their quest for a good life in his work with them as a firefighter. We were invited to his home and his wife and family were real gracious and I appreciate that invitation and I appreciate as a "Notch Baby" welcoming you kind of to the fold a little bit. Any time you're in the south, all of us certainly want to welcome you. Nice knowing you and you're top shelf in my book. Thanks.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I had the pleasure of being here when Bob was a lobbyist before he started in the legislature. Of course, representing a labor union we always worked together and were never on different sides of any legislation he was working on until he became a legislator. I think you even developed a talent for carving the ducks since you've been in the legislature, haven't you? I know the ones that I see now are a a lot better than the first time that I ever saw one. Bob has been a real credit to his party and to his constituents and to the legislature. I don't know exactly why he's quitting, I really don't. I have more fun here than I did when I got lost for two days and four nights in "Hollywierd." We're really going to miss you. But, you know you're really going to be embarrassed if you change your mind and decide to come back and we're all going to be haranguing you. We love you, Bob, you've done a good job with your state and with your colleagues.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I simply rise to thank Bob for all the things that everyone has said here before me. Also for something that these people here don't know; that Bob's early working on decoys were the pictures of those prehistoric decoys that we saw in the Carson Sink. No one really knows that except Bob and he has passed them off as being antique. Bob also did two things for me for which I'm really pleased. One, is that he encouraged me to become involved in this legislative process and it's because of Bob that I decided to run for this office. So, I'd like to thank him for that and I'd also like to thank him for retiring because he worked so hard on re-districting and now he's made public that I don't have to run against him after putting me in his district.

ASSEMBLYMAN MCGINNESS:

Thank you, Mr. Speaker. Last session, my office was next to Bob Kerns' office and my wife loves ducks, decoys and stuff like that. He'd shown me some of his carvings and they are absolutely beautiful; so, one day she was here and I told her that Bob Kerns carved these decoys. He took her in the office and the door was closed long enough that I finally went and tapped on the door. I'm not so sure that this wasn't a "Come on up to my

apartment and see my etchings'' type scheme that he has. I appreciate all of the things that he has taught me and he's turned my 13-year old into a baseball card fanatic and I guess I thank you for that too, Bob. Good luck.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. Sometimes I'm bewildered by the irony of the relationship that Bob and I have. When I was in high school, Bob's son, Tom, was the starting center on Reno High's basketball team and I was the starting center on Carson High's basketball team. For several years we went head to head. In fact, a couple of times we even went to blows. I was booed out of Reno High's gym one time and I'm sure Bob was booing me. Now I find that the strength of our relationship and Bob, along with Lou, is one of the two most influential people in getting me here today and I want to thank him for that.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. When Mr. Gibbons talked about being grateful to Bob for retiring and not running against him since they're in the same district, I started to thinking about what we went through when Bob had mentioned that he probably was going to retire. So I thought, well, if we have to lose an Assembly district, we should cut up Bob's. Then he saw the map. And, what Mr. Marvel said about the back of his neck reaching the boiling point? Well, it went past that, I think. I have to say that the people in District 25 are really lucky that Bob Kerns has been representing them for this 10 years, because he cared so much about those people and how that community of interest, worked together there was no way we're going to break that up. It just shows how much he cares and how important those people are to him and I think that they are real lucky that he has been their representative for 10 years.

## GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Stout, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Candy Roper and Joan Berosinni.

## MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Callister, Porter and Marvel as a committee to wait upon His Excellency, Bob Miller, Governor of the State of Nevada, and to inform him that the Assembly is ready to adjourn *sine die.*

Mr. Speaker appointed Assemblymen Myrna Williams, Freeman and Lambert as a committee to wait upon the Senate and to inform that honorable body that the Assembly is ready to adjourn *sine die.*

A committee from the Senate, consisting of Senators Shaffer, Nevin, Townsend, Hickey and Glomb, appeared before the bar of the Assembly and announced that the Senate is ready to adjourn *sine die.*

Assemblyman Myrna Williams reported that her committee had informed the Senate that the Assembly is ready to adjourn *sine die.*

Assemblyman Callister reported that his committee had informed the Governor that the Assembly is ready to adjourn *sine die.*

Assemblyman Porter moved that the Sixty-sixth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 11:52 p.m.

Approved:

JOSEPH E. DINI, JR.
*Speaker of the Assembly*

Attest: MOURYNE B. LANDING
*Chief Clerk of the Assembly*

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BAYLEY, JOHN W., ASSEMBLYMAN FROM CLARK COUNTY, NO. 42 DISTRICT—
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Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 818, 2198.

BENNETT, RICK C., ASSEMBLYMAN FROM CLARK COUNTY, NO. 16 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 212, 83; A.B. 224, 85; A.B. 227, 87; A.B. 233, 89; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 300, 132; A.B. 319, 147; A.B. 320, 153; A.B. 347, 170; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 468, 374; A.B. 477, 409; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 538, 590; A.B. 539, 590; A.B. 547, 598; A.B. 548, 599; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 583, 653; A.B. 587, 654; A.B. 597, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 639, 717; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 733, 942; A.B. 746, 983; A.B. 758, 1050; A.B. 773, 1090; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 134, 1131; A.B. 308, 1594; A.B. 500, 1820; A.B. 701, 2126; S.B. 22, 602; S.B. 35, 1560; S.B. 39, 964; S.B. 192, 2170; S.B. 301, 694; S.B. 526, 1561.
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Conflict of Interest re A.B. 448, 825.
Moves—
Adopt report of conference committee re A.B. 308, 1907; A.B. 701, 2215; S.B. 39, 1131; S.B. 192, 2292; S.B. 301, 914.
Adoption of amendment(s) to A.B. 156, 514; A.B. 246, 624; A.B. 248, 967, 1094, 1126; A.B. 308, 626; A.B. 481, 1137; A.B. 567, 977; A.B. 613, 1215; A.B. 636, 1066, 1091; A.B. 712, 1444; S.B. 301, 517; S.B. 508, 1578; S.B. 529, 2035.
Concur in Senate amendment(s) to A.B. 607, 2262.
Remarks from the floor re A.C.R. 55, 650; S.B. 293, 2027; S.B. 508, 1578.

BENNETT, RICK C.—*Continued*
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

BERGEVIN, LOUIS W., ASSEMBLYMAN FROM DOUGLAS COUNTY (PART), NO. 39 DISTRICT—
Absences, excused, 1148, 1242, 2068, 2099, 2149, 2279.
Bills introduced by, A.B. 1, 17; A.B. 102, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 212, 83; A.B. 224, 85; A.B. 225, 87; A.B. 226, 87; A.B. 227, 87; A.B. 231, 88; A.B. 232, 89; A.B. 234, 89; A.B. 244, 91; A.B. 260, 99; A.B. 268, 102; A.B. 270, 105; A.B. 282, 110; A.B. 290, 120; A.B. 291, 120; A.B. 328, 154; A.B. 342, 165; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 392, 236; A.B. 393, 236; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 482, 417; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 493, 492; A.B. 527, 566; A.B. 539, 590; A.B. 579, 637; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 596, 685; A.B. 597, 685; A.B. 602, 687; A.B. 603, 687; A.B. 606, 688; A.B. 607, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 691, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 746, 983; A.B. 801, 1336; A.B. 828, 2206.
Committee Appointments—
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Moves—
Adopt report of conference committee re S.B. 526, 1697.
Adoption of amendment(s) to A.B. 85, 216; A.B. 105, 179; A.B. 109, 237; A.B. 121, 180; A.B. 128, 238; A.B. 140, 385, 426; A.B. 228, 573; A.B. 244, 353; A.B. 252, 1059, 1090; A.B. 303, 1971; A.B. 359, 679, 709; A.B. 686, 1084; A.J.R. 17, 839; A.J.R. 24, 1284; S.B. 360, 1035; S.B. 526, 1430.
Adoption of resolution(s), A.C.R. 7, 254; A.C.R. 23, 293; A.C.R. 67, 1016; S.C.R. 27, 331; S.C.R. 65, 1719.

BERGEVIN, LOUIS W.—*Continued*
Moves—*Continued*
Concur in Senate amendment(s) to A.B. 359, 1597.
Suspend Rules, transmit immediately to the Senate, A.C.R. 23, 293.
Remarks from the floor re A.B. 577, 1273; A.C.R. 42, 481; A.C.R. 81, 1078; S.B. 464, 1323; S.C.R. 65, 1719.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 12, 264; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 410, 961; A.B. 712, 1503; S.B. 333, 1438.

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Escort appointed for, 399.
Message, 399.
Vote of thanks extended to, 407.

BRYAN, RICHARD H., U.S. SENATOR—
Escort appointed for, 388.
Message, 388.
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## C

CALLISTER, MATTHEW Q., ASSEMBLYMAN FROM CLARK COUNTY, NO. 1 DISTRICT—
Absences, excused, 765, 1221.
Bills introduced by, A.B. 1, 17; A.B. 100, 45; A.B. 102, 46; A.B. 103, 46; A.B. 104, 46; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 212, 83; A.B. 227, 87; A.B. 233, 89; A.B. 244, 91; A.B. 245, 94; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 299, 132; A.B. 321, 153; A.B. 346, 169; A.B. 352, 174; A.B. 353, 176; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 463, 368; A.B. 464, 368; A.B. 485, 435; A.B. 487, 450; A.B. 492, 492; A.B. 493, 492; A.B. 504, 519; A.B. 527, 566; A.B. 540, 591; A.B. 547, 598; A.B. 548, 599; A.B. 567, 619; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 606, 688; A.B. 607, 688; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 733, 942; A.B. 746, 983; A.B. 762, 1070; A.B. 822, 1901; A.B. 828, 2206.

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Select Committee on Pioche-Indian Springs Women's Prison Sites, 265.
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Special, inform Governor Assembly ready to adjourn *sine die*, 2324.
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Commerce, 11.
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Ways and Means (chairman), 12.
Moves—
Adopt report of conference committee re A.B. 535, 2316; S.B. 45, 2309.
Adoption of amendment(s) to A.B. 34, 987; A.B. 178, 1908; A.B. 193, 1914; A.B. 229, 1985; A.B. 245, 935; A.B. 285, 348; A.B. 292, 1343; A.B. 301, 1971; A.B. 311, 2033; A.B. 371, 2066; A.B. 398, 852; A.B. 401, 2268; A.B. 439, 665; A.B. 442, 1988; A.B. 448, 665; A.B. 479, 1867; A.B. 495, 743; A.B. 499, 1868; A.B. 535, 2055; A.B. 536, 1138; A.B. 537, 1835; A.B. 560, 1581; A.B. 576, 1138; A.B. 590, 1176; A.B. 689, 1327; A.B. 714, 2012; A.B. 721, 1431; A.B. 725, 1963; A.B. 728, 1677; A.B. 741, 1988; A.B. 807, 1994; A.B. 820, 1995; A.B. 822, 2080; A.B. 824, 2151; S.B. 495, 2306; S.B. 311, 2218; S.B. 341, 1964; S.B. 348, 1995; S.B. 417, 1449; S.B. 506, 1716; S.B. 611, 1999; S.B. 640, 2106; S.B. 657, 2291.
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Concur in Senate amendment(s) to A.B. 354, 1098; A.B. 366, 1098; A.B. 398, 1182; A.B. 403, 2286; A.B. 440, 2305; A.B. 471, 2169; A.B. 661, 2310; A.B. 779, 2231; A.B. 786, 2232.
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Do not recede from action on S.B. 45, 2303.
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Resolutions introduced by, A.J.R. 6, 80; A.J.R. 9, 104; A.J.R. 12, 264; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R.

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CARPENTER, JOHN C., ASSEMBLYMAN FROM ELKO AND EUREKA (PART) COUNTIES, NO. 33 DISTRICT—
Absences, excused, 449, 672, 1488.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 226, 87; A.B. 227, 88; A.B. 231, 88; A.B. 232, 89; A.B. 234, 89; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 312, 144; A.B. 319, 147; A.B. 320, 152; A.B. 321, 153; A.B. 342, 165; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 464, 368; A.B. 482, 417; A.B. 490, 485; A.B. 491, 491; A.B. 492, 492; A.B. 493, 492; A.B. 504, 519; A.B. 527, 566; A.B. 545, 598; A.B. 547, 598; A.B. 548, 599; A.B. 567, 619; A.B. 572, 636; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 596, 685; A.B. 602, 687; A.B. 603, 687; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 639, 717; A.B. 645, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 691, 849; A.B. 692, 849; A.B. 705, 895; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 733, 942; A.B. 746, 983; A.B. 801, 1336; A.B. 828, 2206.
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Judiciary, 12.
Natural Resources, Agriculture and Mining, 12.
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Remarks from the floor re Assemblyman Kerns' retirement, 2322; A.B. 76, 731; A.B. 104, 1742, 1744, 1838; A.B. 190, 542; A.B. 204, 225; A.B. 564, 1052; A.B. 799, 1857, 1858; A.C.R. 24, 232; A.C.R. 48, 597; A.C.R. 55, 649; A.C.R. 56, 715; A.C.R. 66, 846; S.B. 120, 1313; S.J.R. 11 of the 65th Session, 195.
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Nominated for, 3.

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## E

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ELLIOTT, JOE A., ASSEMBLYMAN FROM CARSON CITY-WASHOE (PART) COUNTIES, NO. 37 DISTRICT—
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Roll call vote requested on motion re A.B. 104, 1751; S.B. 650, 2256.

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Majority Floor Leader, Assistant, designation as, 12.
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Adopt report of conference committee re S.B. 611, 2299.
Adoption of amendment(s) to A.B. 103, 1451; A.B. 185, 1623; A.B. 195, 1239; A.B. 286, 249; A.B. 327, 1046; A.B. 346, 1046; A.B. 366, 314; A.B. 403, 1609; A.B. 404, 657; A.B. 414, 1622; A.B. 443, 1668; A.B. 495, 1181; A.B. 590, 1224; A.B. 619, 1657; A.B. 787, 1461; A.B. 797, 1449; S.B. 45, 1908; S.B. 345, 1909.
Adoption of resolution(s), A.C.R. 16, 1893; A.C.R. 21, 580; A.C.R. 28, 640; A.C.R. 33, 997; A.C.R. 68, 857; A.C.R. 71, 922; A.C.R. 103, 1851; S.C.R. 29, 343; S.C.R. 31, 408; S.C.R. 37, 639.
Concur in Senate amendment(s) to A.B. 286, 2167; A.B. 327, 2283; A.C.R. 33, 1486.
Do not recede from action on S.B. 611, 2232.
Previous question re A.B. 104, 1754; A.B. 190, 543; A.B. 271, 1165, 1168; A.B. 359, 750; A.B. 566, 1056, 1333; A.B. 590, 1269; A.B. 737, 1092; A.B. 751, 2131; A.B. 777, 1616; A.B. 822, 2090; A.J.R. 9, 1691; S.B. 51, 1969; S.B. 67, 320; S.B. 253, 825; S.B. 328, 2031; S.B. 339, 1952; S.B. 574, 2030; S.B. 650, 2256.
Suspend Rules—
Joint Rule No. 14, 434, 850, 899.
Transmit immediately to the Senate, A.B. 448, 826; A.C.R. 68, 859; A.C.R. 71, 923; A.C.R. 103, 1852.
Vote of thanks to Associate Justice Springer, 563.
Remarks from the floor re Assemblyman Kerns' retirement, 2321; A.B. 104, 1843; A.B. 190, 538; A.B. 414, 1688, 1689; A.B. 818, 2194, 2202; A.C.R. 28, 640; A.C.R. 37, 639; A.C.R. 42, 480; A.C.R. 55, 649; A.C.R. 59, 721; A.C.R. 68, 858; A.C.R. 71, 922, 923; A.C.R. 81, 1078; A.C.R. 92, 1266; A.C.R. 103, 1857; A.R. 6, 607; S.B. 230, 1075; S.B. 313, 1321; S.B. 293, 2027; S.B. 477, 2282; S.B. 653, 2277; S.C.R. 29, 343; S.C.R. 31, 408.

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Resolutions introduced by, A.J.R. 6, 80; A.J.R. 9, 104; A.J.R. 10, 231; A.J.R. 11, 231; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 332, 268; A.B. 566, 1333; A.B. 755, 1304; S.B. 535, 1825; S.B. 653, 2277.

## F

FREEMAN, VIVIAN L., ASSEMBLYMAN FROM WASHOE COUNTY, NO. 24 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 102, 46; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 224, 85; A.B. 226, 87; A.B. 227, 87; A.B. 233, 89; A.B. 269, 102; A.B. 270, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 286, 116; A.B. 294, 128; A.B. 319, 147; A.B. 320, 152; A.B. 321, 153; A.B. 328, 154; A.B. 346, 169; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 464, 368; A.B. 482, 417; A.B. 483, 427; A.B. 485, 435; A.B. 490, 485; A.B. 492, 492; A.B. 508, 535; A.B. 527, 566; A.B. 539, 590; A.B. 547, 598; A.B. 548, 599; A.B. 567, 619; A.B. 568, 619; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 584, 654; A.B. 587, 654; A.B. 606, 688; A.B. 626, 704; A.B. 640, 717; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 657, 779; A.B. 662, 803; A.B. 665, 826; A.B. 693, 851; A.B. 723, 924; A.B. 731, 937; A.B. 773, 1090; A.B. 828, 2206.
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Invite Senate to meet in Joint Session, 452.
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Moves—
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Adoption of amendment(s) to A.B. 78, 255; A.B. 79, 146; A.B. 134, 282; A.B. 197, 239; A.B. 201, 738; A.B. 239, 332; A.B. 241, 738; A.B. 243, 739; A.B. 271, 1135; A.B. 320, 891, 1158; A.B. 342, 432; A.B. 350, 1107; A.B. 361, 471; A.B. 456, 730; A.B. 469, 1009; A.B. 597, 1584; A.B. 709, 1176; A.J.R. 20, 892; A.C.R. 14, 693; S.B. 35, 1276; S.B. 108, 592; S.B. 111, 526; S.B. 171, 1145; S.B. 172, 979; S.B. 173, 1429; S.B. 361, 2106; S.J.R. 18, 1295.
Adoption of resolution(s), A.C.R. 14, 699; A.C.R. 70, 905; A.C.R. 78, 1222; A.C.R. 82, 1088; A.C.R. 96, 1406; S.C.R. 19, 351; S.C.R. 23, 273; S.C.R. 28, 876.
Concur in Senate amendment(s) to A.B. 76, 1433; A.B. 210, 361; A.B. 349, 1434; A.B. 584, 1598; A.B. 585, 1562; A.B. 592, 2085; A.J.R. 23, 1950.
Do not concur in Senate amendment(s) to A.B. 211, 592; A.B. 320, 1816; A.B. 547, 1597.
Suspend Rules—
Declare an emergency measure, A.B. 282, 127.
Joint Rule No. 14, 528, 850.
Transmit immediately to the Senate, A.B. 282, 131; A.C.R. 70, 906; A.C.R. 82, 1088.
Remarks from the floor re A.B. 76, 732; A.B. 104, 1840; A.B. 190, 543; A.B. 271, 1168; A.B. 414, 1689; A.B. 577, 1273, 2244; A.B. 818, 2203; A.C.R. 55, 649; A.C.R. 66, 845; A.C.R. 70, 905; A.C.R. 71, 923; A.C.R. 103, 1852; S.B. 313, 1321; S.B. 442, 1194; S.J.R. 15, 1271; S.C.R. 50, 1095.
Resolutions introduced by, A.J.R. 9, 104; A.J.R. 16, 524; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 271, 1165.

## G

GARNER, VAL Z., ASSEMBLYMAN FROM CLARK COUNTY, NO. 14 DISTRICT—
Absences, excused, 315.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 207, 70; A.B. 212, 83; A.B. 224, 85; A.B. 225, 87; A.B. 227, 88; A.B. 233, 89; A.B. 260, 99; A.B. 270, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 299, 132; A.B. 319, 147; A.B. 320, 152; A.B. 361, 191; A.B. 365, 192; A.B.

GARNER, VAL Z.—*Continued*
Bills introduced by—*Continued*
373, 205; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 419, 316; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 464, 368; A.B. 477, 409; A.B. 482, 417; A.B. 485, 435; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 539, 590; A.B. 540, 591; A.B. 548, 599; A.B. 567, 619; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 582, 653; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 606, 688; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 657, 779; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 746, 983; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 455, 1539; A.B. 501, 1446; A.B. 566, 1419; S.B. 192, 2170; S.B. 324, 2093; S.B. 439, 1667; S.B. 526, 1561.
Special, inform Governor Assembly organized, 7.
Standing—
Commerce, 11.
Government Affairs (chairman), 11.
Legislative Functions and Elections, 12.
Transportation (vice chairman), 12.
Temporary Committee on Legislative Functions and Elections, 2.
Moves—
Adopt report of conference committee re A.B. 455, 1697; S.B. 439, 2074.
Adoption of amendment(s) to A.B. 110, 334; A.B. 114, 282; A.B. 116, 256; A.B. 117, 256; A.B. 130, 988; A.B. 137, 707; A.B. 147, 341; A.B. 148, 334; A.B. 152, 570; A.B. 169, 295; A.B. 172, 256; A.B. 173, 517; A.B. 191, 517; A.B. 196, 256; A.B. 246, 746; A.B. 284, 487, 611, 612; A.B. 309, 574; A.B. 458, 822; A.B. 470, 679; A.B. 505, 839; A.B. 542, 745; A.B. 631, 1917; A.B. 635, 1030; A.B. 701, 1031; A.B. 782, 2033; A.B.6 00, 931; A.J.R. 3, 257; A.C.R. 6, 272; A.C.R. 7, 247; A.C.R. 72, 1460; S.B. 39, 892; S.B. 322, 909; S.B. 323, 839; S.B. 439, 1250, 1295; S.B. 497, 1836; S.B. 594, 1679.
Adoption of resolution(s), A.C.R. 4, 199; A.C.R. 5, 199; A.C.R. 6, 293; A.C.R. 46, 1965.
Concur in Senate amendment(s) to A.B. 100, 944; A.B. 112, 1100; A.B. 114, 1542; A.B. 116, 508; A.B. 124, 1922; A.B. 130, 2161; A.B. 137, 2097; A.B. 140, 642; A.B. 147, 642; A.B. 154, 667; A.B. 155, 434; A.B. 160, 1339; A.B. 164, 963; A.B. 165, 1131; A.B. 167, 642; A.B. 194, 2160; A.B. 228, 1100; A.B. 249, 1300; A.B. 280, 1100; A.B. 284, 1510; A.B. 309, 1101; A.B. 369, 1301; A.B. 370, 1101; A.B. 433, 1301; A.B. 462, 1922; A.B. 489, 1924; A.B. 522, 1101; A.B. 563, 1668; A.B. 567, 1485; A.B. 573, 1301; A.B. 627, 1924; A.B. 685, 2160; A.B. 700, 1924; A.B. 745, 1601.
Do not concur in Senate amendment(s) to A.B. 134, 642; A.B. 308, 1339; A.B. 455, 1451; A.B. 631, 1601; A.B. 701, 2037.
Do not recede from action on S.B. 39, 963; S.B. 40, 911; S.B. 301, 694; S.B. 439, 1667; S.B. 526, 1561.

GARNER, VAL Z.—*Continued*
Moves—*Continued*
Previous question re A.B. 104, 1746, 1751; A.B. 271, 1168; A.B. 359, 750; A.B. 566, 1056; A.B. 577, 1274; A.B. 590, 1269; A.B. 673, 1856; A.B. 751, 2131; A.B. 777, 1616; A.B. 818, 2197; S.B. 339, 1952; S.B. 650, 2256; S.B. 653, 2277.
Rescind action on A.B. 631, 1916.
Suspend Rules, declare an emergency measure, S.B. 199, 140.
Remarks from the floor re Assemblymen Kerns and Bergevin, 2322; A.B 173, 537; A.C.R. 55, 649; S.B. 464, 1323.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

GIBBONS, T. DAWN, ASSEMBLYMAN FROM WASHOE COUNTY, NO. 23 DISTRICT—
Bills introduced by, A.B. 200, 68; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 224, 85; A.B. 226, 87; A.B. 227, 87; A.B. 268, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 290, 120; A.B. 294, 128; A.B. 319, 147; A.B. 320, 152; A.B. 345, 169; A.B. 346, 169; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 463, 368; A.B. 464, 368; A.B. 482, 417; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519.
Standing—
Education, 29.
Judiciary, 29.
Conflict of Interest re A.B. 269, 319.
Letter of resignation, 562.
Moves—
Adoption of resolution(s), A.C.R. 45, 533; S.C.R. 12, 384; S.C.R. 33, 491.
Joint Session, dissolve, 457.
Suspend Rules, transmit immediately to the Senate, A.C.R. 45, 534.
Remarks from the floor re Jim Gibbons, 553. A.C.R. 45, 533.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 12, 264; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532.

GIBBONS, JAMES A. (JIM), ASSEMBLYMAN FROM WASHOE COUNTY, NO. 23 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 538, 590; A.B. 539, 590; A.B. 548, 599; A.B. 568, 619; A.B. 571, 636; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653;

GIBBONS, JAMES A. (JIM)—*Continued*
Bills introduced by—*Continued*
A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 597, 685; A.B. 603, 687; A.B. 606, 688; A.B. 624, 703; A.B. 625, 704; A.B. 626, 704; A.B. 639, 717; A.B. 640, 717; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 746, 983; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 256, 997; A.B. 484, 1663; A.B. 655, 1572.
Standing—
Education, 582.
Judiciary, 582.
Conflict of Interest re A.B. 269, 1543; A.B. 393, 2181; A.B. 395, 1072; A.B. 523, 762; A.B. 561, 1305, 1606; A.B. 808, 2044; S.B. 329, 1660, 1691; S.B. 641, 2216.
Moves—
Adoption of amendment(s) to A.B. 284, 635; A.B. 491, 976; A.B. 492, 1082; A.B. 582, 1175; A.B. 584, 1109; S.B. 328, 2088; S.B. 650, 2256.
Adoption of resolution(s), A.C.R. 65, 842; A.C.R. 101, 1692.
Suspend Rules, transmit immediately to the Senate, A.C.R. 65, 843; A.C.R. 101, 1692.
Remarks from the floor re appreciation to members of Assembly, 564; Assemblyman Kerns' retirement, 2323; A.B. 104, 1753, 1845; A.B. 564, 1053; A.J.R. 18, 777; A.C.R. 55, 651; A.C.R. 65, 842; A.C.R. 66, 845; S.B. 120, 1313, 1315; S.C.R. 50, 1096.
Resolutions introduced by, A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 104, 1746, 1751, 1754; S.B. 333, 1414; S.B. 650, 2256.

GIUNCHIGLIANI, CHRISTINA R. (CHRIS), ASSEMBLYMAN FROM CLARK COUNTY, NO. 9 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 1, 17; A.B. 104, 46; A.B. 205, 69; A.B. 206, 70; A.B. 212, 83; A.B. 224, 85; A.B. 227, 87; A.B. 233, 89; A.B. 245, 94; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 320, 152; A.B. 321, 153; A.B. 346, 169; A.B. 347, 170; A.B. 353, 176; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 463, 368; A.B. 466, 369; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 539, 590; A.B. 540, 591; A.B. 548, 599; A.B. 567, 619; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 607, 688; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 646, 737; A.B. 651, 767; A.B. 657, 779; A.B.

GIUNCHIGLIANI, CHRISTINA R. (CHRIS)—*Continued*
Bills introduced by—*Continued*
662, 803; A.B. 663, 804; A.B. 665, 826; A.B. 692, 849; A.B. 693, 851; A.B. 711, 901; A.B. 719, 916; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 733, 942; A.B. 758, 1050; A.B. 762, 1070; A.B. 788, 1243; A.B. 794, 1280; A.B. 828, 2206; A.J.R. 18, 776, 777.
Committee Appointments—
Conference re S.B. 7, 2074; S.B. 416, 2164.
Special—
Inform Governor Assembly organized, 7.
Invite Senate to meet in Joint Session, 367.
Standing—
Labor and Management (chairman), 12.
Taxation, 12.
Ways and Means, 12.
Moves—
Adoption of amendment(s) to A.B. 58, 1293; A.B. 86, 1252; A.B. 104, 1741; A.B. 330, 862, 898; A.B. 386, 1431; A.B. 387, 656, 689; A.B. 388, 798, 878; A.B. 389, 471; A.B. 391, 575, 778; A.B. 392, 929; A.B. 408, 729; A.B. 410, 797, 934; A.B. 528, 774; A.B. 529, 931, 1495, 1529; A.B. 548, 1668; A.B. 580, 1952; A.B. 628, 1109; A.B. 629, 1139; A.B. 630, 1180; A.B. 667, 1044; A.B. 668, 1611; A.B. 755, 1262, 1312; A.B. 766, 1537; A.B. 786, 1329; A.B. 822, 1974; S.B. 7, 1474, 1811; S.B. 231, 472; S.B. 554, 1287, 1451; S.B. 603, 2130.
Adoption of resolution(s), A.C.R. 44, 513; A.C.R. 76, 1243; A.C.R. 91, 1589.
Concur in Senate amendment(s) to A.B. 392, 1339; A.B. 528, 1341; A.B. 529, 2085; A.B. 667, 1486.
Do not recede from action on S.B. 7, 2009; S.B. 554, 1660.
Previous question re A.B. 460, 758; S.B. 535, 1825.
Suspend Rules—
Joint Rule No. 14, 510.
Transmit immediately to the Senate, A.C.R. 44, 513.
Remarks from the floor re Assemblyman Kerns' retirement, 2320; Senator Horn, 1013; A.B. 86, 1381; A.B. 104, 1744, 1753, 1841; A.B. 190, 543; A.B. 271, 1164; A.B. 303, 2117; A.B. 548, 1725; A.B. 799, 1858; A.B. 815, 2234; A.C.R. 42, 481; A.C.R. 66, 846; S.B. 120, 1314; S.B. 313, 1321; S.B. 464, 1324; S.B. 653, 2273.
Resolutions introduced by, A.J.R. 5, 80; A.J.R. 6, 80; A.J.R. 9, 104; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 271, 1165; A.B. 332, 268; A.B. 755, 1304; S.B. 653, 2277.

GOETTING, BRADLEY I. (BRAD), ASSEMBLYMAN FROM CLARK COUNTY, NO. 4 DISTRICT—
Absences, excused, 437, 672.
Bills introduced by, A.B. 1, 17; A.B. 102, 46; A.B. 104, 46; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 227, 87; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 299, 132; A.B. 320, 152; A.B. 328, 154; A.B. 347, 170; A.B. 352, 174; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 463, 368; A.B. 467, 373; A.B. 485, 435; A.B. 490, 485; A.B. 492, 492; A.B. 493, 492; A.B. 504, 519; A.B. 538, 590; A.B. 540, 591; A.B. 547, 598; A.B. 548, 599; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 641, 717; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 727, 925; A.B. 730, 936; A.B. 731, 937; A.B. 733, 942; A.B. 735, 951; A.B. 746, 983; A.B. 762, 1070; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 557, 2317.
Special, invite Senate to meet in Joint Session, 452.
Standing—
Labor and Management, 12.
Transportation, 12.
Ways and Means, 12.
Moves—
Adoption of amendment(s) to A.B. 233, 837; A.B. 328, 506; A.B. 447, 1327; A.B. 580, 1729; S.B. 653, 2272.
Adoption of resolution(s), A.C.R. 60, 722; A.C.R. 83, 1246; A.C.R. 84, 1124.
Suspend Rules—
Joint Rule No. 14, 700, 1123.
Transmit immediately to the Senate, A.C.R. 84, 1129.
Remarks from the floor re Assemblyman Kerns' retirement, 2322; Emergency Medical Services Week, 952; reapportionment, 1890; A.B. 271, 1164, 1166; A.B. 303, 2116; A.B. 566, 1332; A.B. 669, 1125; A.B. 818, 2195, 2200; A.C.R. 59, 721; A.C.R. 60, 722; A.C.R. 84, 1124; S.B. 653, 2272.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
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HALLER, KENNETH L. (KEN), ASSEMBLYMAN FROM WASHOE COUNTY, NO. 27 DISTRICT—

Absences, excused, 672, 1303.
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Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

HARDY, WARREN B., ASSEMBLYMAN FROM CLARK COUNTY, NO. 20 DISTRICT—
Absences, excused, 672, 2068.
Bills introduced by, A.B. 1, 17; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 227, 88; A.B. 269, 102; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 299, 132; A.B. 321, 153; A.B. 346, 169; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 464, 368; A.B. 467, 373; A.B. 487, 450; A.B. 492, 492; A.B. 504, 519; A.B. 548, 599; A.B. 579, 637; A.B. 583, 653; A.B. 587, 654; A.B. 597, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 636, 716; A.B. 639, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 746, 983; A.B. 761, 1057; A.B. 828, 2206.
Committee Appointments, Standing—
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Conflict of Interest re A.B. 294, 494; A.B. 640, 1898; S.B. 114, 600.
Moves, adoption of amendment(s) to S.B. 51, 1969.
Remarks from the floor re A.B. 460, 760.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

HEALTH AND WELFARE, COMMITTEE ON—
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Bills introduced by—*Continued*
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Members, appointment, 12.
Resolutions introduced by, A.J.R. 8, 100; A.J.R. 13, 291; A.J.R. 23, 699; A.J.R. 26, 876; A.J.R. 27, 876; A.J.R. 29, 900; A.J.R. 31, 1724; A.C.R. 14, 100; A.C.R. 19, 151; A.C.R. 28, 293; A.C.R. 29, 293; A.C.R. 30, 293; A.C.R. 31, 293; A.C.R. 32, 294; A.C.R. 33, 294; A.C.R. 99, 1403.

HELLER, DEAN A., ASSEMBLYMAN FROM CARSON CITY (PART), NO. 40 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 224, 85; A.B. 226, 87; A.B. 227, 88; A.B. 234, 89; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 294, 128; A.B. 299, 132; A.B. 346, 169; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 467, 373; A.B. 485, 435; A.B. 487, 450; A.B. 492, 492; A.B. 493, 492; A.B. 527, 566; A.B. 538, 590; A.B. 548, 599; A.B. 579, 637; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 596, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 639, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 663, 804; A.B. 711, 901; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 733, 942; A.B. 746, 983; A.B. 762, 1070; A.B. 801, 1336; A.B. 828, 2206.
Committee Appointments—
Conference re S.B. 7, 2010; S.B. 554, 1660.
Standing—
Health and Welfare, 12.
Labor and Management, 12.
Ways and Means, 12.
Moves, adoption of amendment(s) to A.B. 104, 1748; A.B. 438, 852.
Remarks from the floor re Assemblymen Kerns and Bergevin, 2324; Captain Ken Loy, 528; Thelma Calhoun, 799; A.B. 104, 1748; A.B. 303, 2114; A.J.R. 18, 775.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R.

HELLER, DEAN A.—*Continued*
Resolutions introduced by—*Continued*
70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

HUMKE, DAVID E., ASSEMBLYMAN FROM WASHOE COUNTY, NO. 26 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 101, 45; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 213, 83; A.B. 227, 88; A.B. 268, 102; A.B. 269, 102; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 299, 132; A.B. 300, 132; A.B. 319, 147; A.B. 321, 153; A.B. 332, 160; A.B. 346, 169; A.B. 352, 174; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 483, 427; A.B. 485, 435; A.B. 487, 450; A.B. 492, 492; A.B. 493, 492; A.B. 504, 519; A.B. 527, 566; A.B. 540, 591; A.B. 548, 599; A.B. 568, 619; A.B. 579, 637; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 597, 685; A.B. 606, 688; A.B. 607, 688; A.B. 624, 703; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 637, 716; A.B. 640, 717; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 746, 983; A.B. 762, 1070; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 190, 2016; A.B. 652, 2126.
Select Committee on Pioche-Indian Springs Women's Prison Sites, 265.
Special, invite Senate to meet in Joint Session, 387.
Standing—
Health and Welfare, 12.
Legislative Functions and Elections, 12.
Ways and Means, 12.
Temporary Committee on Legislative Functions and Elections, 2.
Conflict of Interest re A.B. 815, 2234.
Minority Floor Leader, designation as, 12.
Moves—
Adoption of amendment(s) to A.B. 207, 242; A.B. 268, 1477; A.B. 352, 2268; A.B. 546, 2111; A.B. 640, 1898; A.B. 785, 1329; S.B. 153, 1678; S.B. 302, 2269; S.B. 333, 1414; S.B. 503, 2151.
Adoption of resolution(s), A.C.R. 86, 1152.
Previous question re A.B. 390, 823; A.B. 723, 1249; S.B. 535, 1825.
Reconsideration of vote re S.B. 328, 2088.
Suspend Rules, transmit immediately to the Senate, A.C.R. 86, 1152.
Notice of reconsideration of vote re S.B. 328, 2044.
Remarks from the floor re Assemblyman Kerns' retirement, 2322; Assemblyman Wong, 428; A.B. 104, 1753, 1844; A.B. 204, 225; A.B. 460, 761; A.B. 566, 1334; A.C.R. 17, 111; A.C.R. 42, 480; A.C.R. 45, 534; A.C.R. 55, 650; A.C.R. 56, 715; A.C.R. 92, 1267; A.C.R. 103, 1852; A.C.R. 105, 1895; S.B. 120, 1317; S.B. 442, 1194; S.B. 506, 1717, 1824; S.C.R. 50, 1095.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17,

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110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 410, 961; A.B. 712, 1503, 1579; A.C.R. 80, 1489, 1503; S.B. 333, 1338, 1438.

J

JOHNSON, JOSEPH L. (JOE), ASSEMBLYMAN FROM WASHOE COUNTY, NO. 28 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 205, 70; A.B. 206, 70; A.B. 224, 85; A.B. 226, 87; A.B. 233, 89; A.B. 260, 99; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 290, 120; A.B. 299, 132; A.B. 306, 140; A.B. 319, 147; A.B. 320, 152; A.B. 321, 153; A.B. 347, 170; A.B. 353, 176; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 464, 368; A.B. 482, 417; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 539, 590; A.B. 547, 598; A.B. 548, 599; A.B. 561, 618; A.B. 562, 618; A.B. 568, 619; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 597, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 640, 717; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 662, 803; A.B. 663, 804; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 756, 1045; A.B. 758, 1050; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 211, 667; A.B. 222, 1863; A.B. 304, 998; A.B. 424, 2009; A.B. 428, 1820; A.B. 449, 2271; A.B. 547, 1663; A.B. 561, 1663; S.B. 395, 2091.
Special, inform Senate Assembly organized, 6.
Standing—
Education, 11.
Judiciary, 12.
Natural Resources, Agriculture and Mining, 12.
Moves—
Adopt report of conference committee re A.B. 547, 1832.
Adoption of amendment(s) to A.B. 303, 2112; A.B. 386, 1226; A.B. 547, 1205; A.B. 756, 1497; S.B. 99, 853; S.B. 219, 775.
Adoption of resolution(s), S.C.R. 10, 384; S.C.R. 20, 450.

JOHNSON, JOSEPH L. (JOE)—*Continued*
Moves—*Continued*
Concur in Senate amendment(s) to A.B. 756, 2010.
Reconsideration of vote re A.B. 777, 1664.
Notice of reconsideration of vote re A.B. 777, 1620.
Remarks from the floor re A.B. 104, 1742, 1754, 1841; A.B. 224, 1721; A.B. 271, 1167; A.B. 303, 2112; A.B. 566, 1331; A.B. 799, 1859; S.B. 464, 1323; S.C.R. 29, 344.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 566, 1333; A.B. 673, 1856.

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U.S. Representative Vucanovich, message, 452.
U.S. Senator Bryan, message, 388.
U.S. Senator Reid, message, 370.

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Bills introduced by—*Continued*
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Members, appointment, 12, 29, 582.
Resolutions introduced by, A.J.R. 21, 697; A.J.R. 22, 698; A.C.R. 34, 305; A.C.R. 89, 1190.

K

KERNS, BOB L., ASSEMBLYMAN FROM WASHOE COUNTY, NO. 25 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 207, 70; A.B. 226, 87; A.B. 227, 88; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 286, 116; A.B. 291, 120; A.B. 294, 128; A.B. 319, 147; A.B. 320, 152; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 391, 235; A.B. 393, 236; A.B. 411, 277; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 482, 417; A.B. 483, 427; A.B. 490, 485; A.B. 527, 566; A.B. 538, 590; A.B. 567, 619; A.B. 568, 619; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653; A.B. 587, 654; A.B. 588, 655; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 636, 716; A.B. 640, 717; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 662, 803; A.B. 663, 804; A.B. 730, 936; A.B. 746, 983; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 211, 667; S.B. 22, 602; S.B. 39, 964; S.B. 192, 2170; S.B. 196, 914.
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Standing—
Commerce, 11.
Government Affairs, 11.
Natural Resources, Agriculture and Mining, 12.
Moves—
Adopt report of conference committee re S.B. 196, 1131.
Adoption of amendment(s) to A.B. 7, 178; A.B. 192, 442; A.B. 464, 629; A.B. 591, 1363; S.B. 469, 2129.
Remarks from the floor re announces retirement, 2320; Richard DeBilzan, 365; A.B. 104, 1844; A.B. 190, 541; A.B. 460, 756, 757; A.B. 566, 1330; A.C.R. 42, 482; A.C.R. 45, 534; A.C.R. 56, 714; A.C.R. 70, 905; S.C.R. 50, 1095; S.C.R. 51, 1128.
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94,

KERNS, BOB L.—*Continued*
Resolutions introduced by—*Continued*
1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 566, 1333.

KRENZER, SAUNDRA (SANDI), ASSEMBLYMAN FROM CLARK COUNTY, NO 3 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 212, 83; A.B. 224, 85; A.B. 227, 88; A.B. 233, 89; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 300, 132; A.B. 319, 147; A.B. 320, 152; A.B. 347, 170; A.B. 353, 176; A.B. 365, 192; A.B. 372, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 467, 373; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 538, 590; A.B. 548, 599; A.B. 579, 637; A.B. 581, 643; A.B. 587, 654; A.B. 588, 655; A.B. 625, 703; A.B. 626, 704; A.B. 636, 716; A.B. 637, 716; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 663, 804; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 733, 942; A.B. 746, 983; A.B. 758, 1050; A.B. 799, 1326; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 89, 1663; A.B. 134, 711; A.B. 308, 1594; A.B. 320, 1893; A.B. 557, 2309; S.B. 40, 911.
Special, invite Senate to meet in Joint Session, 387.
Standing—
Education, 11.
Government Affairs, 11.
Natural Resources, Agriculture and Mining (vice chairman), 12.
Transportation, 12.
Conflict of Interest re A.B. 406, 1574.
Moves—
Adoption of amendment(s) to A.B. 13, 339; A.B. 124, 1447; A.B. 249, 625; A.B. 260, 425; A.B. 261, 1283; A.B. 406, 1534; A.B. 646, 1142; A.B. 664, 1364; A.C.R. 30, 1459; A.C.R. 80, 1478; S.B. 469, 2129.
Concur in Senate amendment(s) to A.B. 575, 2265; A.B. 664, 2232.
Remarks from the floor re Assemblyman Kerns' retirement, 2322; A.B. 271, 1165; A.C.R. 55, 651; A.C.R. 66, 845; A.C.R. 71, 722.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R.

KRENZER, SAUNDRA (SANDI)—*Continued*
Resolutions introduced by—*Continued*
84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

## L

LABOR AND MANAGEMENT, COMMITTEE ON—
Bills introduced by, A.B. 209, 82; A.B. 272, 105; A.B. 273, 106; A.B. 298, 130; A.B. 387, 235; A.B. 388, 235; A.B. 389, 235; A.B. 407, 275; A.B. 408, 276; A.B. 409, 276; A.B. 410, 276; A.B. 528, 581; A.B. 529, 581; A.B. 551, 608; A.B. 628, 711; A.B. 629, 711; A.B. 630, 711; A.B. 666, 826; A.B. 667, 827; A.B. 668, 827; A.B. 669, 827; A.B. 726, 925; A.B. 754, 1042; A.B. 755, 1043; A.B. 766, 1080.
Members, appointment, 12.
Resolutions introduced by, A.C.R. 74, 941; A.C.R. 76, 983.

LAMBERT, JOAN A., ASSEMBLYMAN FROM WASHOE COUNTY, NO. 29 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 100, 45; A.B. 101, 45; A.B. 102, 46; A.B. 103, 46; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 212, 83; A.B. 227, 87; A.B. 244, 91; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 319, 147; A.B. 320, 152; A.B. 328, 154; A.B. 345, 169; A.B. 353, 176; A.B. 360, 191; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 386, 221; A.B. 392, 236; A.B. 411, 277; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 482, 417; A.B. 485, 435; A.B. 490, 485; A.B. 504, 519; A.B. 527, 566; A.B. 567, 619; A.B. 568, 619; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 587, 654; A.B. 606, 688; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 134, 1131; A.B. 566, 1548; S.B. 166, 1985; S.B. 329, 2023.
Escort—
Assemblyman-appointee Dawn Gibbons, 26.
President of Senate, 71.
U.S. Representative Vucanovich, 452.
Special, inform Senate Assembly ready to adjourn *sine die*, 2324.
Standing—
Education, 11.
Government Affairs, 11.
Legislative Functions and Elections, 12.
Taxation, 12.
Temporary Committee on Legislative Functions and Elections, 2.
Conflict of Interest re A.B. 683, 1564.
Moves—
Adopt report of conference committee re A.B. 134, 1832.
Adoption of amendment(s) to A.B. 104, 1752; A.B. 174, 296; A.B. 459, 741; A.B. 631, 1141; A.B. 634, 1063; A.C.R. 61, 1223.

LAMBERT, JOAN A.—*Continued*
Moves—*Continued*
Adoption of resolution(s), A.C.R. 13, 272; A.C.R. 37, 581; A.C.R. 61, 1562; A.C.R. 62, 1562.
Concur in Senate amendment(s) to A.B. 365, 1861.
Previous question re A.B. 390, 823; A.B. 723, 1249; A.B. 799, 1859; S.B. 535, 1825.
Vote of thanks to Secretary of State Lau, 4.
Remarks from the floor re Assemblyman Kerns' retirement, 2324; A.B. 104, 1752; A.C.R. 71, 922; A.C.R. 103, 1852.
Resolutions introduced by, A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 271, 1165.

LANDING, MOURYNE B.—*See Chief Clerk of Assembly.*

LAU, CHERYL A.—*See Secretary of State.*

LEGISLATIVE FUNCTIONS AND ELECTIONS, COMMITTEE ON—
Bills introduced by, A.B. 2, 18; A.B. 3, 18; A.B. 4, 18; A.B. 235, 89; A.B. 236, 89; A.B. 348, 170; A.B. 363, 191; A.B. 364, 191; A.B. 475, 408; A.B. 488, 457; A.B. 503, 518; A.B. 566, 619; A.B. 652, 767; A.B. 653, 767; A.B. 753, 1017; A.B. 772, 1089; A.B. 776, 1124; A.B. 792, 1280; A.B. 793, 1280; A.B. 827, 2206.
Members, appointment, 12.
Report, 26, 563.
Resolutions introduced by, A.C.R. 21, 169; A.C.R. 22, 200; A.C.R. 26, 234; A.C.R. 35, 322; A.C.R. 36, 323; A.C.R. 37, 331; A.C.R. 49, 597; A.C.R. 51, 607; A.C.R. 69, 872; A.C.R. 72, 926; A.C.R. 90, 1190; A.C.R. 95, 1279; A.C.R. 97, 1325; A.C.R. 98, 1326; A.C.R. 100, 1592; A.C.R. 106, 2304; A.R. 2, 18; A.R. 3, 19; A.R. 4, 152; A.R. 5, 190; A.R. 7, 1489.

LEGISLATIVE FUNCTIONS AND ELECTIONS, TEMPORARY COMMITTEE ON—
Members, appointment, 2.
Report, 3.

LITTLE, PATRICIA L., ASSEMBLYMAN FROM CLARK COUNTY, NO. 19 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 224, 85; A.B. 227, 88; A.B. 233, 89; A.B. 260, 99; A.B. 270, 105; A.B. 271, 105; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 462, 359; A.B.

LITTLE, PATRICIA L.—*Continued*
Bills introduced by—*Continued*
463, 368; A.B. 464, 368; A.B. 467, 373; A.B. 477, 409; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 492, 492; A.B. 527, 566; A.B. 538, 590; A.B. 579, 637; A.B. 581, 643; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 651, 767; A.B. 657, 779; A.B. 660, 803; A.B. 662, 803; A.B. 665, 826; A.B. 692, 849; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 739, 955; A.B. 746, 983.
Committee Appointments—
Conference re A.B. 89, 1663; S.B. 39, 964; S.B. 301, 694.
Standing—
Government Affairs, 11.
Natural Resources, Agriculture and Mining, 12.
Transportation, 12.
Moves—
Adoption of amendment(s) to A.B. 165, 516; A.B. 575, 1360; A.B. 699, 1031.
Adoption of resolution(s), S.C.R. 14, 351.
Joint Session, dissolve, 395.
Vote of thanks to Chief Justice Mowbray, 3.
Remarks from the floor re A.B. 224, 1722; A.B. 320, 1195; A.B. 414, 1689; A.B. 818, 2204; A.J.R. 13, 617; A.C.R. 3, 46.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.C.R. 80, 1489.

## M

McGAUGHEY, JAMES W., ASSEMBLYMAN FROM CLARK COUNTY, NO. 13 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 101, 45; A.B. 102, 46; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 224, 85; A.B. 226, 87; A.B. 227, 87; A.B. 233, 89; A.B. 260, 99; A.B. 268, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 286, 116; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 299, 132; A.B. 300, 132; A.B. 321, 153; A.B. 328, 154; A.B. 352, 174; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 485, 435; A.B. 490, 485; A.B. 492,

McGAUGHEY, JAMES W.—*Continued*
Bills introduced by—*Continued*
492; A.B. 504, 519; A.B. 522, 556; A.B. 527, 566; A.B. 540, 591; A.B. 548, 599; A.B. 567, 619; A.B. 579, 637; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 597, 685; A.B. 606, 688; A.B. 607, 688; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 733, 942; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 308, 1594; A.B. 455, 1539; A.B. 501, 1446; A.B. 566, 1419; S.B. 35, 1560; S.B. 40, 911.
Escort, Associate Justice Springer, 563.
Special, inform Senate Assembly organized, 6.
Standing—
Commerce, 11.
Government Affairs, 11.
Legislative Functions and Elections, 12.
Temporary Committee on Legislative Functions and Elections, 2.
Minority Floor Leader, designation as, 12.
Moves—
Adopt report of conference committee re S.B. 35, 2125.
Adoption of amendment(s) to A.B. 204, 206; A.B. 125, 567; A.B. 126, 568; A.B. 146, 620; A.B. 193, 1197; A.B. 290, 969; A.B. 312, 741; A.B. 370, 442; A.B. 455, 627; A.B. 462, 929; A.B. 519, 1175; A.B. 522, 743; A.B. 587, 977; A.B. 700, 1410; A.B. 815, 2227; S.B. 131, 363.
Concur in Senate amendment(s) to A.B. 204, 434.
Previous question re A.B. 13, 377; S.J.R. 21, 2030.
Reconsideration of vote re S.B. 131, 334.
Notice of reconsideration of vote re S.B. 131, 324.
Remarks from the floor re Assemblyman Bergevin, 2147; Assemblyman Kerns' retirement, 2321; criticism of news article, 147; A.B. 204, 223, 225, 226, 227; A.B. 271, 1165; A.B. 303, 2116; A.C.R. 42, 481; A.C.R. 55, 647; A.R. 10, 1973; S.B. 120, 1316, 1317; S.B. 464, 1324.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 1, 10; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 1, 8; A.R. 6, 606; A.R. 8, 1724; A.R. 9, 1901; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 410, 961; A.B. 712, 1579; S.B. 333, 1438.

McGINNESS, JOSEPH M. (MIKE), ASSEMBLYMAN FROM WHITE PINE, CHURCHILL (PART), EUREKA (PART), LANDER (PART) COUNTIES, NO. 35 DISTRICT—

Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 212, 83; A.B. 226, 87; A.B. 227, 88; A.B. 231, 88; A.B. 232, 89; A.B. 234, 89; A.B. 268, 102; A.B. 270, 105; A.B. 271, 105; A.B. 282, 110; A.B. 290, 120; A.B. 291, 120; A.B. 299, 132; A.B. 321, 153; A.B. 328, 154; A.B. 342, 165; A.B. 345, 169; A.B. 352, 174; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 467, 373; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 492, 492; A.B. 493, 492; A.B. 504, 519; A.B. 526, 566; A.B. 548, 599; A.B. 579, 637; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 585, 654; A.B. 587, 654; A.B. 588, 655; A.B. 596, 685; A.B. 597, 685; A.B. 606, 688; A.B. 607, 688; A.B. 624, 703; A.B. 625, 704; A.B. 637, 716; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 691, 849; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 746, 983; A.B. 762, 1070; A.B. 801, 1336; A.B. 828, 2206.

Committee Appointments—

Conference re A.B. 211, 667.

Standing—

Health and Welfare, 12.

Natural Resources, Agriculture and Mining, 12.

Ways and Means, 12.

Moves—

Adopt report of conference committee re A.B. 211, 866.

Adoption of amendment(s) to A.B. 211, 182; A.B. 258, 1986; A.B. 420, 1343, 1580; A.B. 456, 1494; A.B. 493, 1963; A.B. 585, 1238; A.B. 808, 2043; S.B. 413, 2121.

Adoption of resolution(s), A.C.R. 47, 588; A.C.R. 73, 941; S.C.R. 25, 234; S.C.R. 30, 344; S.C.R. 58, 1576; S.C.R. 63, 1680.

Recede from action on S.B. 413, 2317.

Suspend Rules—

Joint Rule No. 14, 684.

Transmit immediately to the Senate, A.C.R. 47, 588; A.C.R. 73, 941.

Remarks from the floor re Assemblyman Kerns' retirement, 2323; A.B. 104, 1743, 1841; A.B. 303, 2115; A.B. 799, 1858; A.C.R. 56, 714; A.C.R. 70, 906; S.B. 464, 1323; S.B. 641, 2216, 2216;

Resolutions introduced by, A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 12, 264; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 16, 110; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

McGINNESS, JOSEPH M. (MIKE)—*Continued*
Roll call vote requested on motion re A.B. 104, 1754; A.B. 712, 1579; A.C.R. 80, 1503.

MAJORITY FLOOR LEADER—*See Porter, Gene T.*

MAJORITY FLOOR LEADER, ASSISTANT—*See Evans, Jan.*

MAJORITY WHIP—*See Sader, Robert M.*

MARVEL, JOHN W., ASSEMBLYMAN FROM HUMBOLDT-PERSHING-LANDER (PART)-WASHOE (PART) COUNTIES, NO. 34 DISTRICT—
Absences, excused, 127, 213, 437.
Bills introduced by, A.B. 1, 17; A.B. 97, 45; A.B. 98, 45; A.B. 99, 45; A.B. 101, 45; A.B. 103, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 226, 87; A.B. 227, 87; A.B. 228, 88; A.B. 231, 88; A.B. 232, 89; A.B. 234, 89; A.B. 244, 91; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 282, 110; A.B. 342, 165; A.B. 353, 176; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 492, 492; A.B. 493, 492; A.B. 538, 590; A.B. 548, 599; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 585, 654; A.B. 587, 654; A.B. 588, 655; A.B. 595, 685; A.B. 596, 685; A.B. 602, 687; A.B. 603, 687; A.B. 606, 688; A.B. 625, 704; A.B. 626, 704; A.B. 637, 716; A.B. 640, 717; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 691, 849; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 730, 936; A.B. 731, 937; A.B. 746, 983; A.B. 762, 1070; A.B. 801, 1336; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 535, 2303; S.B. 7, 2074; S.B. 45, 2303.
Escort, Assemblyman-appointee James Gibbons, 563.
Select Committee on Corrections, 116.
Special—
Inform Governor Assembly organized, 7.
Inform Governor Assembly ready to adjourn *sine die*, 2324.
Standing—
Labor and Management, 12.
Taxation, 12.
Ways and Means, 12.
Moves—
Adoption of amendment(s) to A.B. 198, 1476; A.B. 446, 1344; A.B. 471, 1460; A.B. 572, 1582; A.B. 713, 1327; S.B. 346, 1962; S.B. 372, 2229; S.B. 477, 2269, 2271.
Adoption of resolution(s), A.C.R. 24, 232.
Rescind action on S.B. 477, 2271.
Suspend Rules, transmit immediately to the Senate, A.C.R. 24, 233.
Remarks from the floor re Assemblyman Bergevin, 2147; Assemblyman Kerns' retirement, 2323; A.B. 104, 1743; A.B. 566, 1331; A.C.R. 24, 232; A.C.R. 42, 481; A.C.R. 55, 650; A.C.R. 56, 715;
Resolutions introduced by, A.J.R. 7, 81; A.J.R. 12, 264; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44,

MARVEL, JOHN W.—*Continued*
Resolutions introduced by—*Continued*
513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 104, 1746, 1751, 1754.

MILLER, ROBERT J.—*See Governor.*

MINORITY FLOOR LEADER—*See McGaughey, James W.*

MINORITY FLOOR LEADER, ASSISTANT—*See Humke, David E.*

MINORITY WHIP—*See Bergevin, Louis W.*

## N

NATURAL RESOURCES, COMMITTEE ON—
Bills introduced by, A.B. 75, 40; A.B. 76, 41; A.B. 77, 41; A.B. 78, 41; A.B. 79, 41; A.B. 80, 41; A.B. 81, 42; A.B. 210, 82; A.B. 211, 82; A.B. 349, 173; A.B. 350, 173; A.B. 351, 174; A.B. 456, 354; A.B. 549, 599; A.B. 550, 608; A.B. 586, 654; A.B. 592, 680; A.B. 610, 700; A.B. 687, 848; A.B. 704, 878; A.B. 709, 898; A.B. 813, 1580.
Members, appointment, 12.
Resolutions introduced by, A.J.R. 20, 681; A.J.R. 30, 921; A.C.R. 78, 1049; A.C.R. 82, 1088; A.C.R. 96, 1309.

NORTON, JOHN L., ASSEMBLYMAN FROM CLARK COUNTY, NO. 12 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 102, 46; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 224, 85; A.B. 227, 88; A.B. 233, 89; A.B. 260, 99; A.B. 269, 102; A.B. 270, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 300, 132; A.B. 320, 152; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 463, 368; A.B. 464, 368; A.B. 467, 373; A.B. 477, 409; A.B. 482, 417; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 522, 556; A.B. 527, 566; A.B. 539, 590; A.B. 540, 591; A.B. 547, 598; A.B. 548, 599; A.B. 567, 619; A.B. 571, 636; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 595, 685; A.B. 597, 685; A.B. 606, 688; A.B. 614, 717; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 657, 779; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 732, 941; A.B. 733, 942; A.B. 756, 1045; A.B. 758, 1050; A.B. 828, 2206.

NORTON, JOHN L.—*Continued*
Committee Appointments—
Conference re A.B. 71, 997; A.B. 451, 2271; A.B. 547, 1663; S.B. 7, 2010; S.B. 62, 668; S.B. 196, 914.
Standing—
Commerce, 11.
Judiciary, 12.
Labor and Management, 12.
Natural Resources, Agriculture and Mining, 12.
Conflict of Interest re S.B. 67, 320.
Moves—
Adoption of amendment(s) to A.B. 347, 1197; A.B. 571, 977; S.B. 328, 1614.
Adoption of resolution(s), A.C.R. 25, 234; A.C.R. 88, 1189.
Reconsideration of vote re A.C.R. 80, 1503.
Suspend Rules—
Joint Rule No. 14, 1188.
Transmit immediately to the Senate, A.C.R. 88, 1190.
Notice of reconsideration of vote re A.C.R. 80, 1491.
Remarks from the floor re criticism of news article, 148; A.B. 303, 2118; A.C.R. 71, 922; A.C.R. 80, 1503; S.B. 313, 1321.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re S.B. 333, 1414.

## O

OATH OF OFFICE—
Administered to Assemblyman-appointee, 27, 563.
Administered to Assemblymen-elect, 3.

## P

PETRAK, WILLIAM A. (BILL), ASSEMBLYMAN FROM CLARK COUNTY, NO. 18 DISTRICT—
Absences, excused, 337.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 212, 83; A.B. 224, 85; A.B. 226, 87; A.B. 227, 88; A.B. 233, 89; A.B. 260, 99; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 294, 128; A.B. 299, 132; A.B. 347, 170; A.B. 353, 176; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B.

PETRAK, WILLIAM A. (BILL)—*Continued*
Bills introduced by—*Continued*
393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 418, 310; A.B. 419, 316; A.B. 460, 359; A.B. 463, 368; A.B. 464, 368; A.B. 467, 373; A.B. 477, 409; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 539, 590; A.B. 547, 598; A.B. 548, 599; A.B. 562, 618; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 597, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 639, 717; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 657, 779; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 665, 826; A.B. 692, 849; A.B. 708, 896; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 731, 937; A.B. 733, 942; A.B. 746, 983; A.B. 756, 1045; A.B. 758, 1050; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 484, 1663; A.B. 577, 2074; S.B. 68, 1586.
Standing—
Health and Welfare, 12.
Judiciary, 12.
Moves—
Adoption of amendment(s) to A.B. 673, 1856.
Adoption of resolution(s), A.C.R. 9, 82.
Remarks from the floor re anniversary congratulations to Assemblyman and Mrs. John Marvel, 602; Assemblyman Kerns' retirement, 2323; criticism of news article, 148; introduce granddaughter, 381; Ruth Petrak, 208; A.B. 104, 1751; A.B. 190, 543; A.B. 204, 227; A.B. 245, 958; A.B. 460, 755, 758; A.B. 487, 576; A.B. 548, 1726; A.J.R. 6, 155; A.J.R. 18, 777; A.C.R. 9, 82; A.C.R. 55, 647; A.C.R. 56, 714; A.C.R. 66, 846; S.B. 120, 1314; S.B. 442, 1193; S.J.R. 5, 133.
Resolutions introduced by, A.J.R. 5, 80; A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

PETTYJOHN, J. COY, ASSEMBLYMAN FROM CLARK COUNTY, NO. 21 DISTRICT—
Absences, excused, 2279.
Bills introduced by, A.B. 1, 17; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 226, 87; A.B. 227, 88; A.B. 268, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 328, 154; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393,

PETTYJOHN, J. COY—*Continued*
Bills introduced by—*Continued*
236; A.B. 411, 277; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 467, 373; A.B. 485, 435; A.B. 487, 450; A.B. 492, 492; A.B. 538, 590; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 597, 685; A.B. 606, 688; A.B. 624, 703; A.B. 625, 704; A.B. 626, 704; A.B. 627, 711; A.B. 641, 717; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 733, 942; A.B. 746, 983; A.B. 762, 1070; A.B. 828, 2206.
Committee Appointments—
Standing—
Legislative Functions and Elections, 12.
Ways and Means, 12.
Temporary—
Temporary Committee on Legislative Functions and Elections, 2.
Moves—
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Roll call vote requested on motion re S.B. 328, 2208.

SCHERER, SCOTT, ASSEMBLYMAN FROM CLARK COUNTY, NO. 2 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 227, 88; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 279, 107; A.B. 299, 132; A.B. 300, 132; A.B. 328, 154; A.B. 346, 169; A.B. 347, 170; A.B. 353, 176; A.B. 371, 200; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 290; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 464, 368; A.B. 468, 374; A.B. 477, 409; A.B. 482, 417; A.B. 504, 519; A.B. 547, 598; A.B. 581, 643; A.B. 583, 653; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 606, 688; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 639, 717; A.B. 643, 736; A.B. 644, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 733, 942; A.B. 746, 983; A.B. 756, 1045; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 304, 998; A.B. 451, 2271; S.B. 22, 602; S.B. 28, 1539; S.B. 62, 668; S.B. 68, 1586; S.B. 76, 445.
Standing—
Commerce, 11.
Judiciary, 12.
Legislative Functions and Elections, 12.
Temporary Committee on Legislative Functions and Elections, 2.
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Moves—
Adopt report of conference committee re A.B. 304, 1593; S.B. 22, 880; S.B. 68, 2021.
Adoption of amendment(s) to A.B. 73, 332; A.B. 76, 495, 518; A.B. 190, 519; A.B. 254, 1298; A.B. 255, 1532; A.B. 289, 242; A.B. 304, 360; A.B. 317, 354; A.B. 318, 340; A.B. 365, 970; A.B. 417, 1195;

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Moves—*Continued*
Adoption of amendment(s) to—*Continued*
A.B. 449, 1356; A.B. 460, 755; A.B. 554, 902; A.B. 559, 2120; A.B. 730, 1460; A.B. 769, 1367; S.B. 22, 536; S.B. 35, 820; S.B. 267, 1524; S.B. 442, 1173; S.B. 532, 2022; S.B. 574, 2009; S.B. 596, 1969.
Previous question re A.B. 799, 1859.
Remarks from the floor re Assemblyman Kerns' retirement, 2323; A.B. 76, 732; A.B. 190, 541; A.B. 204, 225, 226; A.B. 460, 755, 756, 761; A.B. 564, 1052; A.B. 818, 2203; A.J.R. 11 of the 65th Session, 195; A.C.R. 55, 647; S.B. 120, 1315; S.B. 230, 1074.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

SECRETARY OF STATE—
Appoints committee—
Escort—
Chief Justice Mowbray, 3.
Speaker of Assembly, 4.
Temporary Committee on Legislative Functions, 2.
Calls Assembly to order, 1.
Escort committee appointed for, 4.
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Temporary Chief Clerk of the Assembly, requests Mouryne B. Landing to serve as, 2.
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Informed Assembly ready to adjourn *sine die*, 2324.
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Informs Assembly Senate ready to adjourn *sine die*, 2324.
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Messages from—*Continued*
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SPEAKER OF ASSEMBLY-*See Dini, Joseph E. Jr.*—

SPEAKER PRO TEMPORE OF ASSEMBLY-*See Williams, Myrna T.*—

SPITLER, LARRY L., ASSEMBLYMAN FROM CLARK COUNTY, NO. 41 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 212, 83; A.B. 224, 85; A.B. 227, 87; A.B. 233, 89; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 285, 115; A.B. 294, 128; A.B. 299, 132; A.B. 300, 132; A.B. 320, 152; A.B. 328, 154; A.B. 353, 176; A.B. 361, 191; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 485, 435; A.B. 487, 450; A.B. 490, 485; A.B. 492, 492; A.B. 504, 519; A.B. 527, 566; A.B. 539, 590; A.B. 540, 591; A.B. 548, 599; A.B. 567, 619; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653; A.B. 587, 654; A.B. 588, 655; A.B. 625, 703; A.B. 626, 704; A.B. 636, 716; A.B. 637, 716; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 691, 849; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 727, 925; A.B. 730, 936; A.B. 731, 937; A.B. 758, 1050; A.B. 788, 1243; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 557, 2317.
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Transportation (chairman), 12.
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Adoption of amendment(s) to A.B. 94, 201; A.B. 294, 466; A.B. 385, 1025; A.B. 390, 727; A.B. 437, 1581; A.B. 490, 1360; A.B. 513, 1083; A.B. 515, 1026; A.B. 516, 1204; A.B. 691, 1216; A.B. 723, 1217; A.B. 790, 1525; A.C.R. 63, 1504; S.B. 114, 584; S.B. 441, 2089; S.B. 547, 2014; S.B. 591, 1681; S.B. 622, 1727.
Adoption of resolution(s), A.C.R. 10, 147; A.C.R. 11, 151; A.C.R. 12, 151; A.C.R. 58, 982; A.C.R. 63, 1527; S.C.R. 3, 190.
Concur in Senate amendment(s) to A.B. 87, 1684; A.B. 233, 1833; A.B. 385, 1540; A.B. 406, 2084; A.B. 790, 2164; A.B. 812, 2166.
Do not concur in Senate amendment(s) to A.B. 89, 1595; A.B. 557, 2302.
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Remarks from the floor re conflicts of interest, 179; A.B. 303, 2118; A.C.R. 42, 482.

SPITLER, LARRY L.—*Continued*
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 91, 1247; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re S.B. 333, 1414.

SPRIGGS, GAYLYN J., ASSEMBLYMAN FROM ESMERALDA-LINCOLN-MINERAL-NYE COUNTIES, NO. 36 DISTRICT—
Bills introduced by, A.B. 1, 17; A.B. 199, 68; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 207, 70; A.B. 226, 87; A.B. 227, 88; A.B. 231, 88; A.B. 232, 89; A.B. 234, 89; A.B. 269, 102; A.B. 270, 105; A.B. 300, 132; A.B. 342, 165; A.B. 345, 169; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 433, 329; A.B. 449, 347; A.B. 461, 359; A.B. 462, 359; A.B. 464, 368; A.B. 490, 485; A.B. 492, 492; A.B. 546, 598; A.B. 548, 599; A.B. 579, 637; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 594, 684; A.B. 595, 685; A.B. 596, 685; A.B. 606, 688; A.B. 607, 688; A.B. 625, 704; A.B. 636, 716; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 691, 849; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 746, 983; A.B. 801, 1336; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 134, 1131; A.B. 451, 2271; A.B. 701, 2126; S.B. 28, 667; S.B. 416, 2164; S.B. 439, 1667.
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Secretary of State Lau, 4.
Special, invite Senate to meet in Joint Session, 398.
Standing—
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Government Affairs, 11.
Natural Resources, Agriculture and Mining, 12.
Taxation, 12.
Moves—
Adopt report of conference committee re A.B. 451, 2292; S.B. 416, 2292.
Adoption of amendment(s) to A.B. 82, 422; A.B. 203, 248; A.B. 339, 1427; A.B. 367, 627, 681; A.B. 433, 909; A.B. 458, 928; A.B. 489, 1232, 1298; A.B. 524, 744; A.B. 592, 1428; A.B. 745, 1283; A.B. 777, 1666, 2076; S.B. 419, 1968.
Adoption of resolution(s), A.C.R. 50, 605; A.C.R. 77, 1123; S.C.R. 41, 747.
Suspend Rules, transmit immediately to the Senate, A.C.R. 50, 605.
Remarks from the floor re Assemblyman Kerns' retirement, 2321; Hawthorne storage facility, 116; A.B. 130, 1039; A.B. 190, 540; A.B. 224, 1721; A.B. 271, 1164; A.B. 303, 2117; A.B. 460, 759; A.C.R. 55, 647; A.C.R. 56, 715; A.C.R. 70, 905; S.C.R. 29, 343.

SPRIGGS, GAYLYN J.—*Continued*
Resolutions introduced by, A.J.R. 18, 638; A.J.R. 28, 892; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.C.R. 80, 1489, 1503; S.B. 333, 1338.

STANDING COMMITTEES—*See Committees, Standing.*

STOUT, PHIL, ASSEMBLYMAN FROM CLARK COUNTY, NO 22 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 203, 69; A.B. 204, 69; A.B. 227, 88; A.B. 259, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 299, 132; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 385, 220; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 418, 310; A.B. 419, 316; A.B. 461, 359; A.B. 462, 359; A.B. 467, 373; A.B. 485, 435; A.B. 487, 450; A.B. 493, 492; A.B. 538, 590; A.B. 539, 590; A.B. 548, 599; A.B. 579, 637; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 597, 685; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 639, 717; A.B. 641, 717; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 691, 849; A.B. 692, 849; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 746, 983; A.B. 762, 1070; A.B. 828, 2206.
Committee Appointments—
Conference re S.B. 611, 2232.
Standing—
Labor and Management, 12.
Taxation, 12.
Ways and Means, 12.
Moves—
Adoption of amendment(s) to A.B. 440, 1834; S.B. 328, 2235.
Remarks from the floor re A.B. 104, 1743; A.B. 190, 540; A.B. 414, 1689; A.B. 460, 760; A.B. 548, 1726; A.B. 564, 1054; A.B. 799, 1859; A.B. 818, 2193, 2201; S.B. 464, 1324.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R.

STOUT, PHIL—*Continued*
Resolutions introduced by—*Continued*
70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 818, 2197; S.B. 650, 2256.

SUPREME COURT, NEVADA—
Associate Justice Charles E. Springer—
Administers oath of office to Assemblyman-appointee, 563.
Vote of thanks extended to, 563.
Chief Justice John C. Mowbray—
Administers oath of office to Assemblyman-appointee, 27.
Administers oath of office to Assemblymen-elect, 3.
Escort committee appointed for, 3, 26.
Vote of thanks extended to, 3, 27.
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Chief Justice Mowbray 3, 27.
Governor Miller, 77.
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U.S. Representative Bilbray, 407.
U.S. Representative Vucanovich, 456.
U.S. Senator Bryan, 395.
U.S. Senator Reid, 373.

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Members, appointment, 12.
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WILLIAMS, MYRNA T., ASSEMBLYMAN FROM CLARK COUNTY, NO. 10 DISTRICT—
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Conference re A.B. 134, 711.
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Committee Appointments—
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Adopt report of Temporary Committee on Legislative Functions and Elections, 3.
Adoption of amendment(s) to A.B. 190, 447; A.B. 212, 182, 2015; A.B. 271, 1163; A.B. 284, 611; A.B. 417, 1136; A.B. 488, 819; A.B. 652, 1448; A.B. 744, 1176; A.B. 753, 1448; A.B. 776, 1329; A.C.R. 46, 1921; A.C.R. 85, 1922; A.C.R. 90, 1906; S.B. 112, 305; S.B. 324, 1734; S.B. 335, 1900; S.B. 473, 2000; S.C.R. 9, 2101.
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Concur in Senate amendment(s) to A.B. 270, 2040; A.B. 290, 2159; A.B. 417, 1940; A.B. 475, 1943; A.B. 641, 2083; A.B. 753, 2263.
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Suspend Rules—
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Transmit immediately to the Senate, A.C.R. 51, 639; A.C.R. 56, 715; A.C.R. 93, 1279; A.C.R. 94, 1279; A.C.R. 95, 1279.
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Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 10, 231; A.J.R. 11, 231; A.J.R. 18, 638; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 16, 109; A.C.R. 17, 110; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 71, 921; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re S.B. 328, 2208.
Speaker pro tempore of Assembly—
Declared to be, 6.
Nominated for, 6.
Withdraws motion re A.B. 271, 1161.

WILLIAMS, WENDELL P., ASSEMBLYMAN FROM CLARK COUNTY, NO. 6 DISTRICT—
Absences, excused, 672, 1038.
Bills introduced by, A.B. 1, 17; A.B. 103, 46; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 69; A.B. 206, 70; A.B. 224, 85; A.B. 227, 87; A.B. 233, 89; A.B. 245, 94; A.B. 260, 99; A.B. 268, 102; A.B. 269, 102; A.B. 270, 105; A.B. 271, 105; A.B. 285, 115; A.B. 290, 120; A.B. 291, 120; A.B. 299, 132; A.B.

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Bills introduced by—*Continued*
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Committee Appointments—
Conference re S.B. 76, 445; S.B. 554, 1660.
Escort, Chief Justice Mowbray, 26.
Select Committee on Corrections, 116.
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Education, (chairman), 11.
Health and Welfare, 12.
Judiciary, 12.
Labor and Management, 12.
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Adoption of amendment(s) to A.B. 18, 277; A.B. 237, 432; A.B. 245, 769; A.B. 261, 1325; A.B. 332, 286; A.B. 393, 526, 536; A.B. 466, 1081; A.B. 712, 1579; S.B. 544, 1449; S.C.R. 4, 1127.
Adoption of resolution(s), A.C.R. 3, 15; A.C.R. 30, 1511; A.C.R. 38, 358; A.C.R. 52, 766; A.C.R. 66, 844; A.C.R. 75, 943; A.C.R. 80, 1488; S.C.R. 5, 234; S.C.R. 6, 234; S.C.R. 61, 1724; S.C.R. 72, 2206.
Previous question re A.B. 359, 750; S.B. 67, 320.
Rescind action on A.B. 393, 532.
Return from printer, A.B. 393, 531.
Suspend Rules—
Joint Rule No.14, 604, 719.
Transmit immediately to the Senate, A.C.R. 3, 15.
Remarks from the floor re Assembly Standing Rule No. 99, 344; A.B. 245, 957; A.B. 460, 761; A.C.R. 3, 15; A.C.R. 55, 648; A.C.R. 66, 844, 846; S.B. 230, 1074; S.J.R. 5, 135.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 11, 231; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 52, 610; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 59, 720; A.C.R. 60, 721; A.C.R. 64, 801; A.C.R. 65, 842; A.C.R. 66, 843;

WILLIAMS, WENDELL P.—*Continued*
Resolutions introduced by—*Continued*
A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 102, 1704; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.

WITHDRAWALS—
Motion re A.B. 271, 1161.

WONG, ROBERT A. (BOB), ASSEMBLYMAN FROM CLARK COUNTY, NO. 15 DISTRICT—
Absences, excused, 672.
Bills introduced by, A.B. 1, 17; A.B. 104, 46; A.B. 200, 68; A.B. 203, 69; A.B. 204, 69; A.B. 205, 70; A.B. 206, 70; A.B. 207, 70; A.B. 226, 87; A.B. 227, 87; A.B. 233, 89; A.B. 260, 99; A.B. 270, 105; A.B. 271, 105; A.B. 278, 107; A.B. 279, 107; A.B. 290, 120; A.B. 291, 120; A.B. 294, 128; A.B. 320, 152; A.B. 321, 153; A.B. 347, 170; A.B. 353, 176; A.B. 361, 191; A.B. 365, 192; A.B. 371, 200; A.B. 372, 200; A.B. 385, 220; A.B. 386, 221; A.B. 391, 235; A.B. 392, 236; A.B. 393, 236; A.B. 411, 277; A.B. 417, 291; A.B. 419, 316; A.B. 449, 347; A.B. 460, 359; A.B. 461, 359; A.B. 462, 359; A.B. 463, 368; A.B. 467, 373; A.B. 468, 374; A.B. 492, 492; A.B. 504, 519; A.B. 538, 590; A.B. 540, 591; A.B. 547, 599; A.B. 567, 619; A.B. 579, 637; A.B. 580, 643; A.B. 581, 643; A.B. 582, 653; A.B. 583, 653; A.B. 584, 654; A.B. 587, 654; A.B. 588, 655; A.B. 594, 684; A.B. 595, 685; A.B. 597, 685; A.B. 624, 703; A.B. 625, 703; A.B. 626, 704; A.B. 627, 711; A.B. 636, 716; A.B. 637, 716; A.B. 641, 717; A.B. 644, 737; A.B. 646, 737; A.B. 651, 767; A.B. 660, 803; A.B. 661, 803; A.B. 662, 803; A.B. 663, 804; A.B. 692, 849; A.B. 711, 901; A.B. 723, 924; A.B. 724, 924; A.B. 730, 936; A.B. 731, 937; A.B. 746, 983; A.B. 758, 1050; A.B. 828, 2206.
Committee Appointments—
Conference re A.B. 134, 711; S.B. 35, 1560; S.B. 40, 911; S.B. 196, 914.
Standing—
Commerce, 11.
Government Affairs, 11.
Labor and Management, 12.
Moves—
Adopt report of conference committee re S.B. 40, 1020.
Adoption of amendment(s) to A.B. 149, 374, 559; A.B. 376, 575; A.B. 410, 997; A.B. 509, 1026; A.B. 660, 1556; S.B. 192, 629; S.B. 328, 2124.
Remarks from the floor re A.B. 303, 2115; A.B. 577, 1272; A.B. 818, 2201; S.B. 653, 2273, 2276.
Resolutions introduced by, A.J.R. 6, 80; A.J.R. 7, 81; A.J.R. 9, 104; A.J.R. 18, 638; A.J.R. 28, 895; A.C.R. 2, 12; A.C.R. 3, 14; A.C.R. 9, 81; A.C.R. 17, 110; A.C.R. 18, 150; A.C.R. 20, 162; A.C.R. 24, 231; A.C.R. 25, 233; A.C.R. 27, 291; A.C.R. 38, 357; A.C.R. 40, 476; A.C.R. 41, 477; A.C.R. 42, 478; A.C.R. 43, 500; A.C.R. 44, 513; A.C.R. 45, 532; A.C.R. 47, 587; A.C.R. 48, 596; A.C.R. 50, 605; A.C.R. 54, 638; A.C.R. 55, 646; A.C.R. 56, 693; A.C.R. 57, 699; A.C.R. 59, 720; A.C.R. 60, 721;

WONG, ROBERT A. (BOB)—*Continued*
Resolutions introduced by—*Continued*
A.C.R. 64, 802; A.C.R. 65, 842; A.C.R. 66, 843; A.C.R. 68, 857; A.C.R. 70, 904; A.C.R. 73, 940; A.C.R. 81, 1076; A.C.R. 84, 1123; A.C.R. 86, 1151; A.C.R. 88, 1189; A.C.R. 92, 1265; A.C.R. 93, 1277; A.C.R. 94, 1278; A.C.R. 101, 1692; A.C.R. 103, 1848; A.C.R. 104, 1849; A.C.R. 105, 1893; A.R. 6, 606; A.R. 8, 1724; A.R. 10, 1972.
Roll call vote requested on motion re A.B. 673, 1856.

# ASSEMBLY STANDING RULES

AND THE

# JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

## SIXTY-SIXTH SESSION

OF THE

## LEGISLATURE OF THE STATE OF NEVADA

## 1991

# ASSEMBLY STANDING RULES

## I. OFFICERS AND EMPLOYEES

### DUTIES OF OFFICERS

1

**Speaker of the Assembly.**

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under his supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in his place, to assign the reason for his decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but he shall not be required to vote in ordinary legislative proceedings except where his vote would be decisive. In all aye and no votes, the Speaker's name shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new speaker.

[Statutes of Nevada 1975, 1912]

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

**The next rule is 10.**

## II. SESSIONS AND MEETINGS

10

**Time of Meeting.**

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

11

**Open Meetings.**

All meetings of the Assembly and its standing committees shall be open to the public.

[Statutes of Nevada 1975, 1907]

12

Reserved.

**The next rule is 20.**

## III. DECORUM AND DEBATE

20

**Points of Order.**

If any member, in speaking or otherwise, transgress the rules of the

Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Speaker, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Speaker shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the Speaker.

[Statutes of Nevada 1973, 1886]

21

Reserved.

22

Reserved.

23

**Committee on Ethics; Legislative Ethics.**

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman and he shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336]

**The next rule is 30.**

## IV. QUORUM, VOTING, ELECTIONS

### 30

**Manner of Voting.**

1. The Speaker shall declare all votes but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The Speaker shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speaker shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The Speaker and the Speaker pro Tempore may vote at their desks or at the rostrum.

7. Only a member, certified by the Committee on Credentials of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879]

31

Reserved.

32

**Announcement of the Vote.**

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

33

**Voting by Division.**

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

**The next rule is 40.**

## V. LEGISLATIVE BODIES

40

**Standing Committees.**

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. Education, eleven members.
5. Legislative Functions and Elections, Thirteen members.
6. Natural Resources, Agriculture and Mining, eleven members.
7. Labor and Management, eleven members.
8. Transportation, nine members.
9. Commerce, thirteen members.
10. Health and Welfare, eleven members.
11. Government Affairs, thirteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, Assembly Resolution No. 1 of 1991 Session (File No. 4)]

41

**Appointment of Committees.**

Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314]

42

**Committee Action.**

The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule. Motions may be moved, seconded and passed by voice vote by a simple majority of those present, except that definite action on a bill or resolution will require a majority of the entire committee. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution. Committee introduction requires concurrence of two-thirds of the committee and does not imply commitment to support final passage. The Chairman shall vote on all final action regarding bills or resolutions. No member of the committee may vote by proxy under any circumstances.

[Statutes of Nevada 1973, 1903]

43

**Subcommittees.**

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903]

44

**Committee on Legislative Functions and Elections.**

The Committee of Legislative Functions and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, Assembly Resolution No. 1 of 1991 Session (File No. 4)]

45

**Procedure for Election Contests.**

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Legislative Functions and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its recommendation on which candidate should be declared elected. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment. If the recommendation is accepted, the Speaker shall declare the recommended candidate elected. If the recommendation is rejected, the Assembly shall consider immediately whether to declare another candidate elected. The Speaker shall not adjourn the Assembly until it has declared a candidate to be elected.

4. The Speaker shall inform the Governor of the identity of the candidate declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, Assembly Resolution No. 1 of 1991 Session (File No. 4)]

46

**Committee Action on Reports.**

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903]

47

**Committee Records.**

The chairman of each committee shall keep, or cause to be kept, a

complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903]

48

**Disposition of Committee Records.**

All minutes, records and documents in the possession of committees and their chairman shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904]

49

**Committee Hearings.**

Public hearings shall be held on important bills and other matters of high public interest. Presence of a quorum of the committee is desirable but not required. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair, furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare the public hearing closed on the matter before proceeding to other matters.

[Statutes of Nevada 1975, 1914]

50

Reserved.

51

Reserved.

52

**Concurrent Referrals.**

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first

committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205]

**The next rule is 60.**

## VI. RULES GOVERNING MOTIONS

60

**Entertaining.**

No motion shall be debated until the same be distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889]

61

Reserved.

62

Reserved.

### PARTICULAR MOTIONS

63

Reserved.

64

Reserved.

65

**Indefinite Postponement.**

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889]

66

**To Strike Enacting Clause.**

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889]

67

**Division of Question.**

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

68

**To Reconsider—Precedence of.**

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

[Statutes of Nevada 1973, 1890]

**The next rule is 80.**

## VII. DEBATE

80

**Speaking on Question.**

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

81

**Previous Question.**

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

**The next rule is 90.**

# VIII. CONDUCT OF BUSINESS

## A. RULES AND PROCEDURE

90

**Mason's Manual.**

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

91

**Suspension of Rule.**

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890]

92

**Notices of Bills, Topics and Public Hearings.**

All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings. Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings. Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press.

The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

[Statutes of Nevada 1975, 1915]

93

Reserved.

94

**Privilege of the Floor and Lobbying.**

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152]

95

**Material Placed on Legislators' Desks.**

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rules does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

96

**Peddling and Soliciting.**

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

[Statutes of Nevada 1973, 1891]

97

**Petitions and Memorials.**

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891]

98

**Request of Purpose.**

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

99

**Remarks.**

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

100

**Precedence of Parliamentary Authority.**

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891]

101

Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

102

Reserved.

103

Reserved.

B. BILLS

104

Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

105

**Substitute Bills.**

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

106

**Skeleton Bills.**

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

[Statutes of Nevada 1973, 1893]

107

Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

108

Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

109

**Reading of Bills.**

The Speaker shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894]

110

**Second Reading and Amendment of Bills.**

All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be engrossed and placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, reengrossed, and placed on the General File.

Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and reengrossed.

The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915]

111

**Consent Calendar.**

1. On or before the 80th calendar day of a regular session, a standing

committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328]

112

Reserved.

113

**General File.**

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising

from the disposal of business each day. He shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895]

114

Reserved.

115

**Reconsideration of Vote on Bill.**

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895]

116

Reserved.

117

Reserved.

C. RESOLUTIONS

118

**Treated as Bills—Joint Resolutions.**

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895]

119

Reserved.

120

**Order of Business.**

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.

5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206]

121

Reserved.

122

**Privileged Questions.**

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 1973, 1896]

123

**Privilege of Closing Debate.**

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 1973, 1896]

124

Reserved.

125

Reserved.

126

**Vetoed Bills.**

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered

immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom, that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 1973, 1896]

127

Reserved.

128

Reserved.

**The next rule is 140.**

## IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

**Compensation of Witnesses.**

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897]

141

**Use of the Assembly Chamber.**

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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# JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

## 1

## COMMITTEES ON CONFERENCE

**To Be Appointed by One House at Request of the Other.**

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the Respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964]

## 2

## MESSAGES

**Procedure Concerning.**

Proclamations by the Governor convening the Legislature in extra session

shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

[Statutes of Nevada 1931, 466]

3

BILLS

**Communications.**

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

[Statutes of Nevada 1931, 410]

4

BILLS AND JOINT RESOLUTIONS

**Signature.**

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656]

5

Reserved.

[Statutes of Nevada R 1979, 1964]

## 6

## PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, Assembly Concurrent Resolution No. 1 of 1991 Session (File No. 2)]

## 7

## RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Committee on Legislative Functions of the appropriate House before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201]

## 8

## VETOES

**Special Order.**

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410]

## 9

## ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

3. In addition to any adjournment taken pursuant to subsection 2, after the first 19 calendar days of a regular legislative session, the Legislature shall adjourn until the 36th calendar day of the regular session. During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the state. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. During this adjournment all other standing committees may hold hearings at any place in the state on legislative measures or on any general topic which is pertinent to possible legislative action.

4. During the adjournment taken pursuant to subsection 3:

(a) Notwithstanding the provisions of Senate Standing Rule No. 92 and Assembly Standing Rule No. 92, an agenda may be revised by the chairman of a committee to add or delete any item at any time on the day before the meeting. The revised agenda must be posted at the place of the meeting, and must appear in the daily history when the Legislature reconvenes.

(b) Actions taken by committees have the same effect as actions taken while the Legislature is in session.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, Assembly Concurrent Resolution No. 1 of 1991 Session (File No. 2)]

## 10

## EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956]

## 11

## LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent.

If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

## 12

## RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

[Statutes of Nevada 1979, 2012]

## 13

## REAPPORTIONMENT

The Committee of Government Affairs of the Senate and the Committee on Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

[Statutes of Nevada 1981, 2068]

## 14

## LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 11th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantially duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

[Amended May 24, 1991 by Assembly Concurrent Resolution No. 51 of 1991 Session (File No. 117)]

## 15

## CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335]

## 16

## TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

[Statutes of Nevada 1989, 2366]

17

## DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[Amended May 30, 1991 by Assembly Concurrent Resolution No. 95 of 1991 Session (File No. 137)]

17 [A]

## CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;
5. The effect the required coverage will have on the cost of health care provided in this state; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Senate Concurrent Resolution No. 8 of 1991 Session (File No. 40)]

18

## BRIEFINGS REGARDING INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, conduct a meeting to inform interested members of the Senate and Assembly of those findings and recommendations.

[Assembly Concurrent Resolution No. 100 of 1991 Session (File No. 169)]

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